

CULTURE CHANGE

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Published: 21/01/2020

[Cyswllt i'r cyhoeddiad / Link to publication](#)

Dyfyniad o'r fersiwn a gyhoeddwyd / Citation for published version (APA):

Bakir, V., & McStay, A. (2020). *CULTURE CHANGE: Incentivise political campaigners to run civil and informative election campaigns.* . (APPG on Electoral Campaigning Transparency). UK Parliament. <https://fairvote.uk/wp-content/uploads/2020/01/Defending-our-Democracy-in-the-Digital-Age-APPG-ECT-Report-Appendices-Jan-2020.pdf>

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DEFENDING OUR DEMOCRACY IN THE DIGITAL AGE

Reforming rules.
Strengthening institutions.
Restoring trust.

A new report from the APPG on Electoral Campaigning Transparency

APPENDICES



FAIR
V[×]TE

Published January 2020

All-Party Parliamentary Group on Electoral Campaign Transparency
Transcript of Oral Evidence
Session 1

Held on 17th June 2019 in Room 18, Palace of Westminster

Attendees giving evidence: Dr Jessica Garland, Director of Policy and Research, Electoral Reform Society; Kyle Taylor, Director, Fair Vote UK

Attendees: Stephen Kinnock MP, Chair, APPG; Kenneth Clarke MP, Vice-Chair, APPG

Teri audio to text transcription service tool was used to assist with this transcript.

Kyle: (00:02)

Okay, great. So, um, my name is Kyle Taylor. I'm the director of fair vote. Um, we're also the secretariat for the APPG. Um, and so I just wanted to very briefly outline how we've gotten to this point in about a minute and then talk through some of our initial proposals. So fair vote came about following the allegations of law breaking vote leave and then the date of a scandal around Cambridge Analytica. And so we were first pursuing that, uh, which of course the electoral commission found them responsible last summer. Um, but we viewed that as an indicator that it was - more needed to be done. And so we expanded our remit to be focused on reform and, uh, not just the referendum, but lessons learned from 2015, 2017 and now 2019. Um, with, uh, the funding issues that arose in the EU elections. Uh, and last summer we worked to, uh, sort of develop what we believe were the first things we could do quickly to enact change.

Kyle: (01:05)

And a year later we're in that same place where these initial things haven't come about. And we've spent, I've spent time at different conferences in different contexts and it feels like awareness that something needs to be done is very high, but nobody really knows where to start. And so the goal for us is that this can be a starting place. Um, we wrote to the speaker who advised that he didn't feel that he could advise on where these issues would sit, which is why we want to put together, um, the green paper to be able to actually pursue change in three main areas. Transparency, deterrence and monitoring. So from our perspective, um, these, the top proposals we believe that will help and be able to, um, create change quickly, um, are around the electoral commission itself and its ability to, uh, investigate and prosecute those who break electoral law.

Kyle: (02:03)

Um, we believe, you know, there could be something like a specialized electoral offense officers who are very well versed in the law and able to pursue these similar to the way we've seen the ICO, really use their remit to pursue, uh, people who are, uh, have committed data offenses. Uh, and, and along with that, we believe that the fine level should be unlimited. Um, the cap of

20,000 pounds means that it, you know, the, the, the fines themselves have been described as a cost of doing business. Um, the second is reporting campaign spending online. So right now, National Party expenses are available online, but individual candidate expenses, for example, in a general election are not, they're held by local returning officers. These are meant to be publicly available documents, but we've seen time and again that even that awareness isn't there and it's led people to have to submit freedom of information requests to see candidate returns.

Kyle: (02:59)

Uh, the reason this is particularly complicated is because oftentimes, uh, an item like a leaflet or an ad will have a split expenditure between the candidate and the National Party. Well, if you can only verify the national party side of it online, you're unable to actually be sure that that item has been adequately and accurately reported in both places. Uh, along with that, we think there should be repositories for both leaflets and digital ads so that people can see every advertisement that was sent out in an election. Uh, and just one further detail of that, we think that, you know, something that could be considered as separating online spending from offline spending in actual campaign spending expenditure law so that there are specific limits for specific mediums. Uh, and we have further ideas that I can talk about in greater detail. And I can also submit this in written form to the APPG, uh, which is specifically around digital, um, democracy.

Kyle: (03:57)

Just two more quick ones. Um, before I finish. Uh, the next one is ending financial transfers in a referendum scenario between the designated campaign and other groups. So that was the core of what happens between, with vote leave and believe is that the spending, there was a rule that, uh, the designated campaign could give up to 700,000 pounds to other campaigning groups as long as they didn't coordinate campaigning. From our perspective, a gift of 700,000 pounds does not come with no strings. And I think it's pretty reasonable to assume that. And so that that was used as a funneling mechanism to coordinate and spend more than the limit, uh, which just is not a level playing field and it's not. So the spirit of the law, uh, is, is of course different than the reality of the law itself. Uh, and then lastly, uh, it's just about, um, the parody between offline and digital advertising.

Kyle: (04:54)

So, you know, really ensuring that the first thing we can do is apply all leaflet rules like imprints and targeting information directly to digital ads. That's very, very easy, obvious one. Um, but then as I said, there's a lot more we can do, um, when we, when we think about what to do online, um, with the frame really for us that digital and online is always viewed through the lens of people as consumers, not people as citizens. And so I think in terms of, you know, when we're looking at, um, digital and elections, we have to view people as citizens and not consumers. Uh, these aren't advertisements to sell soap. These are advertisements to determine the future of a nation. Um, so let's give it the credence that deserves. Thank you. Oh, thank you for inviting me. I went back through all these excellent query.

Jessica Garland: (05:58)

Sorry. Of course. Yeah. Assume you all know me the benefit of the tape. I'm Jessica Garland and I'm director of policy and research at the electoral reform society. So just a few introductory comments. I think, um, firstly let's say that I think it's worth bearing in mind that not all, and we are looking a little bit about digital campaigning as well as campaigning more generally. Not everything that happens online is a bad thing. There's a lot of good democratic good from, from online campaigning. And I think the challenge of this green paper is to deal with the stuff that clearly is wrong without crushing all the stuff that's good. Um, because of course we don't want to, you know, shut down democratic debate and finding where to draw that line has being a traditional challenge of electoral regulation. But I think particularly in this era, it's about finding where that line is.

Jessica Garland: (06:49)

But I think it is very possible to do because of course we're in a situation where it's not that we've had really robust regulations that have failed. We have out of date regulations. I think bringing them up into, you know, up to speed is, is, is a perfectly possible thing to do. And of course just one other things I say is that a lot of the issues that we're dealing with aren't new issues. They're not issues that just came about cause we had a referendum then or issues that just come about because people are campaigning online more than they used do. Some of these issues like the role of money and politics are very old issues. And so again, I think that gives an interesting perspective on it. And I'm glad that we're the APPG on electoral campaigning, transparency, not just digital campaigning transparency because a lot of these issues such as issue between national and local spend kind of crossover both, both worlds.

Jessica Garland: (07:39)

Um, so just in terms of policy proposals, um, we agree with, with all of these proposals that are, um, that Carla's outlined, I would just, um, I'll just say very briefly a few things about each of them. Um, in terms of the electoral commissions power, obviously deterrence is really important cause we don't want to be in a situation where the, the result of a contest is brought into question. I think that's really important from the voter perspective because when we're thinking that some of the negative influence in our democracy might be from organizations or even states that are trying to disrupt our democracy, what we don't want to do is then kind of shut it down ourselves or undermine democracy by saying that the result isn't the right result because, you know, there hasn't been the right monitoring and deterrence in, in the first place.

Jessica Garland: (08:25)

So that's, that's hugely important I think from the [inaudible] perspective. Um, completely agree in terms of, um, live reporting and, and being, and more transparency around spending and invoices and receipts and all the rest of it. I think one thing to consider is where that, where the line is. That line I mentioned about, you know, what's proportional because you know, for local electoral agents, you know, in the heat of a campaign with lots of very small receipts, um, you know, that there are challenges there and I think that's um, it's important we do it. I'm think it's

important that we think how this might play out both at the constituency level and at the national level as well. Um, and I think that that focus on the national level is really important as donation spending. Cause of course that's not being looked at at the moment in the current inquiry on updating electoral law, uh, which Pakrac are doing.

Jessica Garland: [\(09:15\)](#)

Um, on the third point about finances, I think just absolutely right about coordinating work. If you're serious about people being separate entities then it makes no sense to be transferring money or that into that. There are issues about our law where there's issues around the local and the national spend. There's issues about where money comes from. Electoral Commission have been saying for a long time that, you know, there's UK foreign companies can funnel money into our political system through UK subsidiaries, even if that UK subsidiary is not doing enough business in this country to make that money that's been transferred. And we saw recently of course there's the issue of money under 500 pounds. We saw with the story about Brexit party and donations under 500 pounds from, from overseas. Now that's not against the law, but I think there's a situation where what we might imagine our laws to do, they're not necessarily doing that.

Jessica Garland: [\(10:12\)](#)

And so I think we should be thinking about that as well. Um, and then there is of course the role of third party campaigners. When our regulations were drawn up, it was about regulating money into political parties. Now campaigns can be influenced by people without actually channeling any money through a political party, databases can be bought, data can be bought. Um, all of this can happen without actually touching the regulations. So I think that's something also to consider. And um, yeah, people are citizens, not consumers. Absolutely. I think we need to think really what is the role of our government and our regulators in our democracy and ensuring that we have a vibrant democracy. We shouldn't be necessarily following where the social media companies are going. We should decide ourselves what's right for our democracy.

Stephen Kinnock: [\(11:00\)](#)

Thank you, thanks very much, Ken did you want to...

Kenneth Clark: [\(11:02\)](#)

Well, where do you want to start? I mean I think the electoral commission for some years has been a fairly ineffective body and it has been set up and I think problems with electioneering are getting worse and worse, the national boundaries button launch goal, any individual knows, they just almost receive moving Facebook by election, um, and sometimes get quite careless about where they earn their money from his work. Was he spending [inaudible] uh, [inaudible] pause reinforcement, um, and the eddy arise too late anyway. Uh, and uh, it's getting more and more distractions of that. Kevin, he's changing this all date. [inaudible] versus each reading. [inaudible] straight with that. and all that sort of thing. I do think we should have some equivalent of imprint rules as campaigning material that's fairly clear. Um, and then how it's actually enforced because the moment you can do what you like during the campaigns and then you'll

have roused the electoral commission some months afterwards, which most people won't take offense or notice of. And it's changing rapidly that there's more and more the ability to use technology to attribute opinions to your opponents, which - do we attribute to false information, which the person doing is unknown and not accountable. It's a huge use subject instead of station. I'm not even Denny then, which minister is theoretically in charge this. And so,

Kyle: ([13:11](#))

so, um, what the letter we received back from the speakers committee, because we believed we, we ultimately were told when we sent the letter that the speakers committee was ultimately responsible for the electoral commission because it's actually, um, responsible to parliament, not to government. Um, but they outlined, um, the Home Office, the Cabinet Office, the, um, uh, the Home Office, the Cabinet Office as the two main points of contact. But we're also unable to offer clarity as to who would hold the, the legislation or the empower. The power behind [inaudible]

Kenneth Clark: ([13:54](#))

I did as I knew well are quite comprehensive, but this notion and really only needs to go do that and to manage it, it's going to be huge resistance to them. Sled so much bested interest resisting it and you've lobbying to stop protecting it. There's at least the speakers committee ever likely to breach legislation?

Kyle: ([14:21](#))

No, I don't know.

Stephen Kinnock: ([14:22](#))

I think you'd want to speak to committee. They came back and confirmed for us they had a responsibility for the finances of the actual commission. So I think that the speakers committee approves the budget for the electoral commission, which seems very odd to me. Is you thought that would be a government department?

Kyle: ([14:40](#))

Well, there's right, it can

Stephen Kinnock: ([14:42](#))

be really awkward, but I don't have any responsibility for what connects for commissioner [inaudible] sentence towards the Cabinet Office. All right. My [inaudible] subject cause the cabinet office attorney currently preparing some policy proposals, almost all of them.

Kenneth Clark: ([15:00](#))

Some can't do it. I'm sure. Look, yeah. [inaudible] situation downing street in practice where there's uh, uh, attorney holding prime minister minister, which is going to get you nowhere for a very long time.

Kyle: (15:13)

Yeah. And, and he did he, he did say the electoral commission itself is accountable to parliament and members can table parliamentary questions both oral and written to press for action or change.

Kenneth Clark: (15:24)

Actually, there is a section of the question time is when somebody answers, we've got to do,

Speaker 4: (15:28)

I think it's the cabinet office that answers questions on the electoral commission.

Kyle: (15:33)

So that's a point to clarify definitely.

Jessica Garland: (15:35)

There is a sort of consolidation of electoral law happening at the moment. Following on from the, the law commission's review, if you remember that back in 2014 and that is solely concerned with sort of tolerating the 30 pieces of electoral law that deal with at the local level. But I did, yeah. I did wonder whether there's a route which might expound that

Kenneth Clark: (15:57)

new business to transact for several months now except within erupts on Brexit and he'd spend most days and speak of it was at the town and very healthy with urgent questions. There are other ways his mother wouldn't apple pie or what am I with this policy? And there are heaps of law commission recommendation, some which are very bad at any moment [inaudible] none of which showed the slightest interest in incrementing the law abuse. Very valuable. Once in a blue moon you get any law commission recommendation, any for reasons I don't understand, but there we are. So that's - onestarting point is who we are trying to prompt to take action because eventually we should confront somebody and try to get to the meetings and the [inaudible] rounding around responsibility and how are we going to change anything. Then we have to produce practical concrete proposal for making the law that we once had a whole inquiry into the electoral permission conducted by an official [inaudible]. Well, his name escapes me. Um, and he got [inaudible] give evidence like [inaudible] we should get Polish.

Kenneth Clark: (17:29)

What happens is the men, as they were inquiring into the future of the electoral commission, uh, that encourages you to pile on the recommendations, but anyway, they otherwise cause enforcement a stronger electoral with more possible penalties, penalties as demonstrated quite meeting. Um, and more ability intervene and monitor, and intervene when something's going on rather than this coming back two weeks, six months later I'd have thought because once whatever organizations used to be fighting the election, frankly they're always bound to take the view of teachers are so slight penalties, but we'll cross that bridge when we reach you. Um, and then, uh, is transparency, the whole thing is transparency, but then accountability to stop

benches to require those sites taken down because either foreign government or somebody else or one of them campaigns or parties deliberately breaking rules is putting out other stuff and it's very tricky censorship and [inaudible] to be in. But how's to stop the promulgation of quite malicious information, which is clearly defamatory at needs of the candidate or the organization senior lead. When can the lead [inaudible] stepping in and requiring the platform to take this stuff down? I was really yesterday when I was traveling, but in America, I think someone's basis system where you can now produce photographic abuse and image of somebody saying something that she isn't actually saying and that is beginning to be you.

Kyle: (19:29)

Yeah, they're called deep fakes.

Kenneth Clark: (19:32)

Okay, well we need somebody really bad, dangerous giving as he sort of passed because the data wouldn't be misused to stop. [inaudible] saying true things led me to August MDT junction to stop this, to require the candidate who will say these no idea where it's coming from, uh, to, to, to find out where it's coming from and I'm stopping at their captions. So,

Kyle: (20:01)

and that for us as well, just some points that I've picked up from what Gil said that we're linking to that again is the heat. It's a hugely around deterrence. And I think something that's now being abused in the electoral system is, uh, the, the, the role of the agent as responsible. So what we've seen is a proliferation of people appointing very young agents who don't have the agency to actually say no to very powerful people within their party. Uh, and so, you know, if we look at it - yes for let's say for a general election candidate, um, and, but if instead, you know, we're looking at in terms of deterrence, the more of the idea of the person with significant control within a campaign, you know, rather than it being an arbitrary sort, you're the agent and therefore, you know, we know there are people with significant control within the campaign who are not the agent. And so to be able to hold them responsible as well for rule breaking will be much greater deterrence. Um, and then just an anecdote about as you were talking about the inability to actually pursue in real time. So I was an agent in 2017, um, and uh, are there were fly, there was fly posting going up in buildings, calling my candidate an expletive word next to their candidate, you know, hero of the world. Um, I immediately got in touch with the, uh, agent of the other campaign who was, yes, this is bad. Let's take it down. I'll find out who did it. They provided me with the names and contact details of the people responsible. I gave all of that to electoral commission and the police, I mean, so we had agreement between the campaign that was the offending campaign and we were interviewed all the rest of it, you know, four months later get a letter: "Well we just couldn't confirm the case and therefore we've dropped it." I mean we have photos and names and agreement from the party responsible that it was done and an apology and yet it still leads to nothing, no action. And so what happens then, what happens within the culture of campaigns is you use it as it's used as a tactic to waste the time of the other campaign because if you commit an offense, you know there is no real deterrence. But instead you get the other candidate or campaign stuck on filing, talking to police, trying to get it down,

which can derail several days. And in a short campaign, that's a lot of time. So you end up just sort of going, oh well. This is exactly, and it's really damaging because yeah, then you're not really opposed to the rules and you feel an incentive to break them.

Kenneth Clark: (22:47)

Adrian, Gino Control, uh, so able, the ability to save involved with the campaign should stop doing is do what you shouldn't do and always and always that would prevent good. The danger of that is for local organizations and smaller organizations as lose judgment ones. You could be imposing expense difficult at all times. I don't know what the practice in the Labor Party, I mean perhaps on the ground in the surfing party, usually the agent now is somebody who's volunteered to do the paperwork afterwards is a bit of a nightmare. Okay. It's quite complicated putting in the financial return. This isn't honest,

Kyle: (23:25)

it's all done on paper.

Kenneth Clark: (23:27)

divisions today and most agents we'd ever been by buddy. You used to have professional agents in every significant constituency and there was a professional body of their [inaudible] and [inaudible]. They're all trained with genuine expertise. You can't and I use an old retired one, uh, to, to, to, to do mine cause the dollar my volunteers would have a clue how to do the spending. Uh, amazing. The difficulty is if you start laying down strict criteria, the loader that liberal politics, they, well they didn't have matching membership and big money anymore often will just be blown out of the ground. The satisfying that, who do they find and the person they saves the ancient quite often. So the slightest controlling of the candidate, the party officers or anybody else that just, they just take off.

Kyle: (24:23)

And that's the, that's the issue I think. And with the professionalization of campaigns, most campaigns have a campaign manager who is not the agent and they do that intentionally so that the campaign manager can stretch far beyond the rules with a very weak agent who just says, well you're the campaign manager. And yet that agent, the one held responsible and the campaign manager, literally no responsibility. And that's why this sort of Pacific who, who has significant control so

Kenneth Clark: (24:51)

well if you have any control over it. But I mean I have complained to the guys, but my body, anybody who's taken part in any bike campaigns, having some sometime like won't take the violation in mind judging quite active pictures. Maybe my head until it got to the right really. But it's quite obvious that neither the big parties was taken thing to two stages of the spending limits, uh, if as interpreted the Broccoli, but it's all being run by paying officials and the Central Party who descended on the constituency. We're living there in hotels and so on. Uh, when engaging new Spanish, you know, all [inaudible] national body activity but even bothering to tell the

candidate level in local people what they were doing. Uh, we shows the inadequacy of the low ball and the inadequacy of the rules about disclosure that got one of my present colleagues prosecuted recently.

Kenneth Clark: [\(25:47\)](#)

Just kind of threw it. Craig McKinley who I don't know who's responsible for bringing the prosecution. .

Jessica Garland: [\(25:55\)](#)

It's the police when it's at the candidate level.

Kenneth Clark: [\(25:57\)](#)

So its the police locally - in that case because most police forces wouldn't bother cause they have to satisfy that it's in the public interest. And I think [inaudible] is too complicated for them. We don't understand it. The less one of them be their volume, then they will police this morass. Um, so in that case, obviously it must have been so good. Tourists, they came, police did, they [inaudible] were all in conservative headquarters because was knew we've never troubled by this inquiry.

Kyle: [\(26:30\)](#)

Exactly. And that's the, that's the issue, right? When a responsibility, when one person is held responsible, but other people are making all the decisions, they have no um, recourse for their wrong. And so they have incentive to not break the rules and break the law. I mean, I think, um,

Kenneth Clark: [\(26:48\)](#)

central Buffy, I didn't have them spread about it. Great. Can you talk, but I know they both tell Craig No.

Kyle: [\(26:55\)](#)

And that's very common in the booking hotels that even the candidate doesn't fully,

Stephen Kinnock: [\(27:02\)](#)

yeah. I mean my understanding of violations is the spending rules are different. It's a higher, much higher level because [inaudible] and they were huge to somebody else

Kenneth Clark: [\(27:15\)](#)

if all, presumably it keeps the deliveries afterwards.

Stephen Kinnock: [\(27:18\)](#)

Yes. I think it's 85 actions going to the big part of the national kind. Even a local campaign spending of it. It's all part of the National News.

Kyle: [\(27:28\)](#)

Yeah. For a bi-election

Kenneth Clark: (27:31)

I've never seen anybody take the slightest notice.

Kyle: (27:33)

No. One of our other ideas around this as well as for the idea of donations in kind, which is a common thing, which is the campaign hasn't paid for it. It's been, so the best example is office space, right? There's no guidance provided for what an office space should be billed at for donation in kind. So you'll see people, oh, we used an office for six weeks, it was a hundred pounds and they'll have a notional invoice for a hundred pounds,

Kenneth Clark: (28:01)

which is to claiming expenses. I don't know what they all do now. My, my own expense. But if you wish to claim reimbursement for the higher office [inaudible] um, you've got pretty ips evaluation.

Kyle: (28:15)

Exactly. And we want the same guidance to be provided for in, for, for donation in kind expenditure. There should be a bands, you know, and a London band, a a city's band, a rural band for what you have to bill and in condemnation as for office space for, um, use of a printer, you know? Yeah, yes. You'll build a paper, office equipment, all of this. And he goes in as a notional expensive, you know, oh, use of the printer for six weeks, 50 pounds. What, you know, obviously renting that printing for six weeks doesn't cost 50 pounds. Um, and the other huge one is stamps, you know, so

Kenneth Clark: (28:54)

We've only touched on it so far, constructing a proper democratic framework doesn't inhibit what you do, the true mentally practical and workable to tackle this. The difference in housing goldens and what goes on here. [inaudible] particularly, but you have determines, but it's, it's pretty useless because it has become one of these organizations which is obsessed with the process. Uh, those organizations are, I wanted to be called aim, so I will give them an [inaudible] relations with them and think they demand and claim as much as most people. And they do it multiple but [inaudible] because some of the colors you can send to prison removes a genuine scandal. Baptize. Then we meet in two days and if you make the physical part is all the breaks and the party all [inaudible] very powerful interest mounting.

Stephen Kinnock: (30:04)

We keep coming back to this theme of determine [inaudible] institutional capability. Could you say a bit more about your thoughts on, on what kind of institutional capacity building is required so that we have a watchdog hold on, enforcing some of these new rules that we want to put in place. I think you've given a clear kind of list of the sorts of change that we'd like to see

[inaudible] scale. I think how you would create an institution, a being focused on parents to make time

Jessica Garland: (30:41)

[inaudible]. Do you mean sort of the, the culture of the institution as well as the, the tools that has cause like yeah

Kenneth Clark: (30:46)

we'll, we'll move in full suit in the rules in the sensible way and we should do crossed financial regulators and John, when we've made repeated attempts chosen the financial conduct authority has its Cruces but its downside better than the useless regulations from having for 2000 blades and the issues regulated. Um, I think you need something that powerful.

Jessica Garland: (31:09)

Well I think you're only as good as your, the tools you've got though. And, and if, and, and you can certainly see the culture of how the, the electoral commission goes about things. It's based on the fact that they, they only have the powers to do things after the fact. So if you only have the panels to do stuff on further down the line when the contest is over, then that's the sort of, that's the sweeping up approach that you've got to take. So I do think bringing in the line with the episodes is done with, um, with the information commissioner is important cause you have to have the tools first. But I do appreciate it. There's probably gonna need to be a bit of a culture shift.

Kenneth Clark: (31:40)

Well no as well do they have thousands. Someone just refuses to cooperate to subject about buddy and they say, I'm tired, I'm too busy, get lost. A lot of delayed commission.

Kyle: (31:52)

Well, so at present most of it is through first to the police and then it's referred to the Crown Prosecution Service. So the electoral commission has a very, very limited, if any role in the actual deterrence process. So that, that, so for us it's like the practical is what does the organization look like? Well, it's way better funded obviously. It uses the ICO model of um, uh, evidence, uh, investigation and prosecution where they actually investigate and they actually prosecute. So, um, we, we, we thought regional electoral offense officers, especially during the short Campbell fence officers that would do random spot checking of campaign headquarters just turn up no announcement. Right now. They usually, you know, with the Brexit party, they said, oh, next Tuesday we're going to come by and see what you're up to. You know, whereas the ICO just rated Cambridge analytic has offices, you know, so you can see the difference of a that were going, it was in the news.

Kyle: (32:53)

Yeah, exactly. Everybody. Exactly. Yeah. And, and also same day, injunctive power. So the electoral commission, if they had the ability to same day and jumped, it can initially be a limited

timeframe injunction. It can be a 24 hour injunction on whatever the possible offenses while they invest, while they do a rapid investigation. But what happens now is every investigation is three to six months. Parliament's already started. If the, if the, if the victory was wide enough, the margin was wide enough, it's sort of like, oh well they would have won anyway. You know? And that culture just leaves, leaves people thinking, well what's the, what's the issue? And, and the key I think is that even if you win there, you should still be able to be held to account if you're the person of significant control. If you broke an electoral law.

Kyle: (33:44)

So a petition or a violation. Yes. Or, and also criminal and civil. So criminal penalties and yes. Yeah. But if, if, if your offense was, you know, if your fine was 10 times, you know, if you look at the GDPR, you know, 20,000 pounds per offense or 20,000 years per offense, um, with the recent Facebook allegations, the maximum of fine, the ICO give is 500,000 pounds because it was before the GDPR. But Elizabeth Denham had noted that had it occurred after the GDPR, the fine would have been 500 million pounds, 500 million pounds for the exact same offense.

Kyle: (34:32)

Even Facebook would have felt that. So if you look at electoral offense in the same way in terms of deterrence, um, I think that's key. And you know, the reason that I think transparency to turns and monitoring have emerged as the three themes is because they're the areas that cause, um, the, the most immediate return on investment, right? So deterrence is driven by fear, fear of being arrested, fear of being fined, transparency leads to a culture shift in people paying more attention. So I always say that, you know, you'll end up with, if you have every candidate return online and national party expenditure of return online, you'll end up with a subculture of sleuths who go through every single return and make sure every pound matches. And when they find that it doesn't, they will report it. The electoral commission, it's, that's free, effectively free support.

Kyle: (35:27)

Uh, and that's, as you said, good versus bad online. That's a good aspect of, of that. And then monitoring monitoring is about making sure people don't feel like reality. You know, the reputation of the representation of the People Act was read people's act was 2000 election and referendums act a representative. He was like 1983 and the political parties, elections and referendums act of 2000 was the really the last significant election written, uh, regulation, um, reform legislation. So that monitoring so that people are aware of, you know, whether it's five, five years or 10 years, review of electoral law as part of the regulator's role to say, this is what's now outdated. This is what's, um, emerging and being more on top of it. Um, would be helpful. I have one other thing to say about transparency of donors, but I can hold it until, if you want to talk more about this first.

Kenneth Clark: (36:25)

Well I think it's what stretch for them in the details but to make it all [inaudible] they don't crash due to all the stuff about what structure would be good. You're going to change the culture then

lots of what we want is a powerful regulator who will actually change what people do because they fear the consequences of not and who is personally, not all these agents you, they shouldn't be personally level, but that really concentrates by and if individuals face penalties and then penalties as Trapiche in trade talent versus it used to go against the agent and the candidate. I think the agent was convicted because she obviously had some idea of what was going on. I think Craig was like [inaudible] which is totally typical of bad actions to give on them. So much attention on was they're absolutely desperate for RJ out. Uh, it, Craig it off an opinion on his campaign.

Kenneth Clark: (37:27)

He might have been given someone who will be found. If you liked hearing, I don't think you would have that. We have so many so called experts running national campaigns now. I don't think anyone who protected the slash named are and a young ambitious politician in any party, you know, does not start challenging his leader, the Party organization and the people appointed by the leader to make Joel, he or she wins. And how you actually, you know, firstly in jumped from doing something so you can have an effect on the campaign, stop them and then penalize the responsible individual [inaudible] every other area. I mean you're looking at me [inaudible]

Stephen Kinnock: (38:13)

um, things like same day in geography powers, criminal appellate penalties, establishing regional lead to, or offense officers with a forensic capability. All of that deal. Do we think that would require primary legislation? You couldn't do that just by Sii amending the p the 2000 [inaudible] major piece of industries. [inaudible] homes. [inaudible] organizations would use interest in s yes. Some consultant, your headquarters. Uh, they, they would not want,

Kyle: (38:58)

sorry. I think, I think what, what the electoral commission is also seeing, realizing from watching the ICO is that the ICO has just taken their remit and they're waiting until someone says, no, you can't do that. They're just doing more and more and more and more. And no one's really said, no, you can't do that. So there could be some element of the electoral commission [inaudible] their own re-interpreting their remit and saying, actually no doing this falls under this, doing this falls under this. Um,

Stephen Kinnock: (39:28)

so they could just do this stuff, but they can't give themselves the ability to undertake criminal prosecutions. Um, can do that kind of [inaudible] actually prosecute.

Kyle: (39:41)

They can be the, um, I was plaintiff, no defendant, no, no. That's the same thing. They give me the prosecutor. Yes. They, yeah, they can provide the prosecution.

Kenneth Clark: (39:54)

These are of things require an expert prosecutor. Yes. That's why they have been living in two local county police forces. Ken Talks, he got the bean and the bit between the teeth, but foster jobs you've led the therapists or just don't make up on anything else off the local politicians would be one of them. But it all starts with the VP first at all.

Kyle: (40:15)

And the person who came to the person who came to interview me was from the homicide division of the city of London police. I assure you she had better things to do than talk to me about fly fly posting in the elephant.

Jessica Garland: (40:28)

Yeah. And, and, and that's why this national local division is, is quite unhelpful because we've got this one piece of legislation prepared of it's dealing with the national staff. And then we've got essentially just the 1983 RPA act, which is governing everything at the local level. We've got police looking at the local stuff, we've got electoral commission looking at the national stuff. And I think that the divide is really unhelpful when it comes to spending for all those reasons. When it comes to responsibility, if you really ramp up all the monitoring and prosecution, all that at the local level and leave the national stuff on top. So I think that's very dangerous because of course the buck can be so easily passed as, as you've rightly pointed out, even with that candidate not having any say over that. So I think looking at these two things together and thinking, well, is it right that the electoral commission don't touch anything at the local level? I don't think that is right. I think those two things need to be brought together.

Stephen Kinnock: (41:20)

Yup. So that's a clear thing. Recommendation around greeting the [inaudible] national together, how many ones on the low costs [inaudible] commission has to be beefed up, uh, to be able to manage that information when they older then having almost satellites electoral commission at the regional level, at least during election time. Yeah. [inaudible]

Kyle: (41:46)

um, and just as a quick example of good intention with unintentional consequences was the, um, the change with the short campaign and long campaign with fixed rate, with the fixed term parliaments act, the idea that, you know, there's a budget for the short campaign and there's a different budget for the long campaign, but the long campaigns starts two years before an election. But we don't know two years before that there's going to necessarily be an election. So actually what ended up happening with 2017 is parties were scurrying to try and figure out, well that leaflet we did eight months ago is that part of our long campaign spend because you know, we're supposed to go back two years, you know, had very unintentional consequences and doesn't fit in a parliamentary democracy where you can have an election at any time. And then old national campaigns

Speaker 4: (42:39)

the previous two years [inaudible] be relevant because the next new build foundation [inaudible]

Kyle: (42:46)

yeah, just, it's not sensible. So

Stephen Kinnock: (42:48)

the, it seems like the intention with the fixed term election was we would move away from snap elections to a fixed point in time every five years and that is clearly not going to happen. Highly unlikely that the next general election will be in 2022 so that, that, as you rightly say, that has a knock on effect on campaign spending. What, what would be the proposal to fix it? Cause if you, you've set a long campaign period based on the fact that we would never be stumped election [inaudible] snap elections. What do we do about that? No, unfortunately it's a rip a sorry.

Jessica Garland: (43:24)

Yeah, no, no I was going to say this, this phase to me another issue which is actually what to do with the electoral commission, which is the guidance that's available. You know, cause if you're going to have more robust rules then you have to be really clear with your guidance to parties and campaigners and what they're going to be charged on and what they're not. And I think actually having clearer and more robust legislation will help with that because often, as it was with the third party campaigners legislation, it's quite difficult to navigate your way around and know what is allowed and what isn't allowed and then the electoral commission say, well just do your thing and you know, probably be fine. So, so the, so that has to change as well. Really clear guidance for people on what, what's permitted and what's not. I think in terms of the regulated periods, um, what can you do if there's gonna be snap elections? Um, like I said, there has to regulate from the moment that it starts, but it does allow for a lot of money to be spent as we've seen, um, you know, recently with, you know, referendum and what have you. That, that you can be in campaign mode putting money in.

Kenneth Clark: (44:29)

I mean again, you could argue about whether to take, take the second book thing violations here, take the death of a member. I mean, you could say from the days of death, cause everybody knows it's gonna be a bad action. It's the vacancy, rather than let everybody pour resources in like mad for about a couple of months and they call them election. Um, but I mean these are all details, but then to do need to be addressed because otherwise you lay down desirable guidance and others, I think just relying on Durham Patency, which is the traditional way of doing it is a big waste of time. The number of members of the public and interest. If six months later somebody report somewhere exactly that they were misled.

Kyle: (45:18)

And there's the short answer is the fixed term parliaments act should be repealed because you know, having grown up in the u s um, you know, I'm a British citizen after the black vote last Thursday. Um,

Speaker 5: (45:37)

um, [inaudible] everything's relative.

Kyle: (45:51)

Um, but you know, having, growing up and having worked several elections including the 2016 presidential cycle in the u s what you see is, because everyone knows there's an election in four years, it is a permanent machine and it becomes an industry and the more exposure to it, the more likely it is that the public will become apathetic to it. And so re-instituting that uncertainty around election time means that no one has a sort of a headstart, right? So if you decide, oh actually we're going to call an early election, we're not going to tell anybody you have six months to not spend or overspend knowing what you're about to do that nobody else knows you're about to do. Um, I mean, just as an example, the Hillary campaign spent near \$2 billion in the end. And you know, the Iowa caucus is always the first primary in the United States in the month before that, political parties become the largest employer in Iowa because of the scale of influx of professional staff.

Kyle: (46:51)

Right? It isn't a joke that every Iowan has met a presidential candidate. You'd because of the scale of the industry and we have to ask ourselves, and I wrote a piece about this in, um, lecture reform societies, um, wild west is, you know, that is where we are headed if we don't sort of stop now, um, especially with, with dark money. Um, which again, I can come back to in terms of transparency of donors.

Stephen Kinnock: (47:17)

But do you think about recommendations or recommendations. TPA should be this great. I think what it would be an interesting thing to ask other people you have to go

Kenneth Clark: (47:30)

to have some health was spinosa good identity boss because, but the coalition and the conservatives, so will the other mind double cross and suddenly bring the government down the time they're choosing, taking their partners by surprise but have no other purpose and it isn't working. Producing fixture on phones. It does make it possible. Bring down a gun and replace all the people who got with them. Theresa [inaudible] and the walls did [inaudible] you couldn't lose the general election challenge to the property. It was just one of them we'll be able to take over. That's where they were often. And a theory, this house [inaudible] where you could, you could bring the rest of the government down if you didn't, don't meet rob when his leadership relational suddenly. Um, and then you would have the opportunity of all the government [inaudible] I mean it made a lot of countries commenting. We had to, we'd have a government of national unity by now, British should not up to that, but the other one is there to be time to under the fixed term parliament, uh, there will be time to do that. [inaudible] his own to do that. Um, [inaudible] repeated and you get back to the prime minister of the day having taken the discretion, because back then everybody was going to like, uh, let people go off into parliamentary majority just having to sit and wait to see what happens.

Speaker 4: (49:07)

Perhaps [inaudible] refined it perhaps where the asking people in future sessions as well about, about the fixture parliament action if they believe it plays any role in. Yeah.

Stephen Kinnock: (49:18)

We obviously have to keep the skirt. Absolutely. Yes. [inaudible] mission creep and we'll end up getting into multiples. But I think that's very, it's an interesting angle to take on it. Um, one of the other issue, you mentioned that this thing about donations under fire. Can you say a bit more about what, how do you think that should be better regulated?

Jessica Garland: (49:46)

Yeah, and I think it's, I've got, I don't have the gold solution here. I'm rather raising a, a problem that I'm still working through myself, but we know obviously that the under 500 pounds is, is, um, doesn't fall rather in permissibility criteria. So none of the usual requirements of, of donations affected. Um, so, and I suspect when that was decided upon, um, it was thought that there wouldn't be large numbers of under 500 pound donations. Obviously we're all moving towards an era where lots of smaller donations all becoming, um, more the way of fundraising rather than the, you know, single person, huge donation, which was previously more an issue. Um, and there's nothing so, so I wouldn't say that that, that sort of crowd funding model is wrong. You know, it's lots of things, individuals giving money to party that.

Kenneth Clark: (50:37)

they just use several straight shot donations of 499 pounds.

Jessica Garland: (50:43)

from wherever and, and so, so what's the answer to this either. So if it's coming into a party, then the, the, it makes sense that that party is then held accountable. So then they, the onus is on them to make sure whichever method they're using for knowing where their donations are coming from the composite. So cutting off the, the, the paypal issue as it were an day that it's not the use of paper, let's the fact that it's the amount of data that you're collecting from it so that the amount that you're requiring people to provide when, when you receive it. So this might be an area where we just need clearer, clearer statement of what, what is permissible and what isn't and do we need to maybe that that probably doesn't need primary legislation actually. Um, but I think it's, it's a new area where I think what's assumed to be the case is clearly not the case anymore. So it's just assumed that they were, you wouldn't be using this channel for foreign donations. And I think it's quite clear that that is now wide open. So, um, so maybe it's a on parties just to, to be responsible for whether donations are coming from across the board. Again, I don't want to be too draconian about these things. You don't want to shut down people donating, but I think it's reasonable for a postage of responsibility program.

Kyle: (51:57)

Well, I mean, and that's, that's what likely could have occurred with the Brexit party is, you know, the, the same credit card could be used and people could be putting in a different name every time. 49094994994 99 you know, the, the, the threshold at 500 is that you have to confirm they're on the electoral roll, actual register. Every party has transparency. We should because you mean it's when you get to 1,250 then yeah, it's the full transparency and, but you know, there's no reason why and every party has access the electoral role. There's no reason why every donation regardless of amount has to be verified in terms of a person being on the electoral roll. That would be your proposal. So just drop it into one pence. Yeah. What, anything over one,.

Jessica Garland: (52:39)

it's a way of automating that so it's not, ot to suddenly be a cost to the parties. Me. Sure. This should be a way of just

Kyle: (52:45)

so just as a speak to me, Chicago with within, you know, within the party that I worked, it was very easy. Like I could have an entire list as a spreadsheet that I imported into B sis, our system, and it told me which ones weren't on the electoral roll. So it's not a difficult process. I mean it's a, it's a very easy process to confirm if someone is on the electoral role and so then just refund the money if it's not. There's one other problem in this area, which you know is I think within our remit would, especially around utterance, which is that what campaigns will do in the short campaign is they'll have donors give to the local, not to the campaign because the threshold for the campaign in a short campaign, I think it's 20 pounds or 30 pounds, but the threshold for the party is 500 so they'll have people give to the local party than the local party. We'll give a donation to the campaign to cover the costs of the election. [inaudible]

Kyle: (53:45)

so the actual donors are not being verified by the campaign. So let's say, you know, it's the local Labor Party of Birmingham on southern versus Neil Coyle's campaign for the seat give money. I'm not saying he's done this, I'm just, that's where I live. It's where I live. So that's the first name of my head. Um, but you'd have people give to the local Labor Party where the threshold is much higher and then they local Labor Party would write a 10,000 pound check to the candidate and that would be the only donor on their candidate declaration form.

Speaker 4: (54:19)

Yes. And you've got no real sense of where that turned out. I was coming from originally. So what would you do? Sip just in essence one set of rules. One pence, one kind of trust the board [inaudible]

Kyle: (54:32)

and if that means making the electoral register more easily available to campaigns, small campaigns that can't afford it, that's a much easier task than trying to figure out a less complicated way or picking a threshold that is in the end, completely arbitrary. And they're

dealing with the same thing in the u s I think the threshold is \$200 in the u s or two 50 before you have to check the person as a citizen. The Trump campaign received twice as many small gifts.

Kenneth Clark: (55:00)

There's also publicize the name of the donor. The has, his name is available publicly.

Kyle: (55:06)

Mm, yes. And Yeah, the Trump campaign received 62% of their donations under the threshold, a large number and something like 30% came in on the same day. Come on [inaudible]

Speaker 4: (55:25)

as Obama C, you know, the Obama was kind of paving was hailed as the campaign of the small donors and Trump see twice as many and when you look at profile with the support, you can see where Obama's would have come from all those young people in the students making some more motivation. I don't see the Trump support base being the same.

Kyle: (55:46)

No. And it's effectively money laundering, right? If you're just funneling tons of cash in small amounts through the same vehicle for a purpose. It's money laundering.

Stephen Kinnock: (55:57)

Yeah. Yeah. Through one credit card.

Jessica Garland: (55:59)

So do you need to spot check that the names were the right names? I'm just thinking you could, you could get the list and send money in in someone else's name

Kenneth Clark: (56:11)

if the opponent had real suspicion. I did. Normally I'd be doing all this stuff. That information is out there, but I looked up the name of the donors to buy little payments or else it's just been, they occasionally, every now and again some election will occur where this is really funny. [inaudible] how on earth did this lots of before this fantastic, uh, around like my Dickies, perfectly obvious, any volume of our brain that spending limits were not being adhere to in this particular ah, all abuse they were. Um, and then then some investigative journalist or somebody who does get around those by stop trying to find that, uh, actually paying for all this. And was there any limit being encouraged by anybody? Only in lounge rooms, all costing.

Jessica Garland: (57:06)

So I wonder about the live reporting of those donations. Not In detail, but that's to a level of transparency. So an investigative journalists or opposing candidate that can then go and investigate whilst the contest is on rather than kind of after the crash.

Speaker 3: (57:22)

This is here.

Kyle: (57:23)

Yeah. And, and the way it's confirmed is with, um, the person's address on their name. So you would need a lot of, I mean to, to do this on mass. Yeah. You'd need a lot of information to like sort of, um, impersonate, you know, x doesn't x a hundred people, but then again, you move straight to existing criminal legislation around identity theft. Right? Yeah. But so at least we know with that deterrent that there is an very easy, easy, but, um, without, um, transparency. There's a very, there's an existing strong deterrent, right. Identity theft is a massive crime. Yeah. Okay. Let's use that then imply apply. Yeah. That would then immediately apply and yeah, if you'd tried to impersonate 50 people to give 499 pounds each to a campaign, that would be 50, um, crimes of identity theft. And all you need is one of those that you see, that the transparency of the names. I'll give you just one of those people to go, I didn't do that.

Speaker 4: (58:23)

But what is the source is a foreign government.

Kyle: (58:29)

Yeah. I mean, and you can, you can you prosecute

Speaker 4: (58:31)

foreign government and frightened seaside.

Kyle: (58:36)

Uh, and I mean if it's straight out of the coffers of a foreign country, yes ma'am.

Jessica Garland: (58:42)

Be the party. That's the ultimate [inaudible]. But actually the revealing to the foreign government

Speaker 3: (58:48)

paid a lot of, part of the campaign would be Susan degenerate to the candidate, but he and everybody else inside. Well, it's very nice of the government, the better rules to offers all his money. But, uh, we really calmed, uh, um, the, the, the, the uh,

Kyle: (59:04)

well, cause if you to submit, you do right

Speaker 3: (59:06)

live, we'll be back on the campaign or change a little money

Kyle: (59:14)

[inaudible]

Speaker 4: (59:15)

we'll call John Jane blogs, et Cetera. And then you create false accounts and you donate to become an a in sort of the Brexit party or to travel or whatever. You've, you caught someone, you have to discover the source of that. Who is doing that. I can see that too is great. And those folks on the [inaudible] activity.

Kyle: (59:41)

And I think then that that extends, you'd hope that there would be consensus around that extending beyond partisan politics or a single election and be viewed as an issue of national security. Really. Um, that would be the hope. Right. And I think I agree that that would be at end the PR nightmare of, you know, as you say, Oh thank you Belarus for funding, whatever. But um,

Speaker 4: (01:00:06)

and how so how, what to get the forensic capability of doing is, is that something that like, first of all, you need the legislation to say everything over a pound has to be fully, you have to be able to see who's given that money and to check that they're all,

Kyle: (01:00:23)

and that exists already, um, for over 500 pounds. Yes. So we'd just be lowering the limit if that's not a new yeah, it's just changing the limit of what you have to do it.

Speaker 4: (01:00:34)

Right. So that's the only legal, the law change that needs to take place. And then you need an enforcement capability because it, you, would you do that? Would you propose that it's done by the electoral commission? Perhaps if we can set up these red enforced regional actuals officers and at that part of their job would be to do spot checks on campaign donations, party donations.

Kyle: (01:00:58)

Yeah. [inaudible] has to be unannounced. You know, it really needs to be, and the system, the electoral commission should be able to view from the other end, whatever system is used. Right. So as opposed to now where you, I mean, you actually as an agent, you, you print out spreadsheets and fill them in, then you print out invoices and you hand write on the invoice and then you staple. I mean it's, it's insane. Um, so simply putting that online with the electoral commission can spot check what you're reporting at what rate they have, the electoral register, the electoral commission and that. And then the last piece of that, you know, we talk about the minimum. Okay. From one p the last piece of this is considering whether there should be a maximum gift allowed. You know, so that which is in the u s they have a maximum gift. The most you can give to any candidate is \$2,850 I believe. And which is why the culture in America is not, of course corporations can give unlimited amounts of money, but people are limited to a ceiling, which is why the main goal in American politics is to get what our people call bundlers.

So when Bundler says, I'll raise \$1 million for you, and they go out and find x number of people to Max one in the primary, you have the same amount in the primary as you do in the general.

Speaker 3: (01:02:20)

Well, you'd have individual donors who give less bold than that.

Kyle: (01:02:23)

Right. And, and so that, that's a, that's a question, you know, should there be a maximum individual or corporate gift, it greatly reduces influence in politics, which is it, this is why in America people have no influence, but companies have huge influence. I think. Um, that's, that's a racist as some tactical question for us, Kevin. Right. You're [inaudible] a lot of the poses are going to meet strong resistance from the policy machinery, but that one that you just mentioned with meet the most resistance more and it's very interesting to see if you said that's how they do it in the United States. Oh, you have a bigger problem in the United States I think here as well. Corporations are into politics. Well and at the very least what we can, we can address, we can say this was something that was brought up. We, we decided ultimately, you know, it's out of remit for our immediate objectives but you know, it's areas for further consideration type thing. Yeah,

Speaker 4: (01:03:27)

no I'm not dismissing, I'm just [inaudible] we all know that some [inaudible]. Yeah, absolutely. [inaudible]

Speaker 3: (01:03:37)

and he had actually looking into the day to day list article. She restricts me. They publish accounts and so on, but they didn't see as a vast amount of public information about they do have data, which is why people best staunching about surprises in portions, dinners and things. Because I do think they get recorded. Uh, and uh, so when the price is, is, uh, two weeks to result in Barbados, hundreds of thousands, um, so hey, by some Russian lady and then

Speaker 4: (01:04:13)

that's it. Game of tennis [inaudible] thousand credits. Yeah.

Jessica Garland: (01:04:19)

And if I could just add to that that that good, although we'll see there has been a history of individuals paying lots of money that the, there is a certain level of transparency about us as a sad person who has looked at the actual commission's website and database of donations. So it sits over a certain amount of money and its name and you can also see where someone's donated as an individual and also through that business. Um, you know, it doesn't take a genius to work that way. [inaudible] yes. So it's uh, yeah, it's, it's, and you can, you can, you know, the database, you can sift by policy, you can sift by, um, the contest. You know, the other thing, I think there is a certain level of, I think the electoral commission has done a, you know, a decent network and getting some transparency around. And I know comparatively in terms of other

democracies, um, it stands up pretty well in terms of what, what other countries have done in, in terms of those transparency on the larger donations. Um, it's just whether people are finding new ways of getting around and whether that that focus on large donations to parties is really still the game in town. I guess

Kenneth Clark: (01:05:24)

they use tricky position you say and stops individuals. It doesn't stop with the stock go regiments I suppose in this thing of lots of shoots injury coming

Kyle: (01:05:33)

when it could be a maximum corporate gift as opposed to maximum individual gifts. But it could just be something we know as you know, something that came up that we thought of sort of light bulb topic. But um, the other way that they funnel it is through individual members because then at the only place it goes on the red is on the register of members interests, which who reads those? It'll be keeping PDFs. You know,

Speaker 3: (01:05:58)

Laura as the Lord, we love him. He's so easy to avoid. Again. [inaudible]

Jessica Garland: (01:06:02)

I was just is, so having, having experienced the, the database of, of of donations about the, the, the invoices have been just going back to the earlier point about online spend on invoice from uh, sorry, a receipt from Facebook island which covers a ball sum of money and, and just for advertisement but no detail on the content of the ad, which constituency it was aimed at. Which group of people it was aimed, uh, I mean compared to the other rep compared to where I've got to with transparency of individual donations leaving some balls and parties side, which is still an issue, but the, the, there is nothing, there is nothing firm to go on for, for online spend. So, so that is a really issue.

Speaker 3: (01:06:42)

Hmm. Well what we do, our theme is this issue group to work out practical way. Okay. Law Change change in the culture of politicians of 12. We get to the bed, contemplate any idea, commit this whole body group on a scale cause otherwise we've put the total [inaudible] with why reforms get better posing. Which what you, we touched on [inaudible] I'm sued fund sign up for that [inaudible] to be at will this main to visit difference? Oh Sir, no, no, the size of [inaudible] but I first went to American election back in the 1960s from Vegas. America is great and the best of America with Mama's the worst Americans have to be dreadful.

Kyle: (01:07:38)

[inaudible] his

Speaker 3: (01:07:39)

relationship intervals from but, but the, the, the um, one thing that struck me even then as a little aspiring of young aspiring English Paul, that was the sums of Monday, well, vast dentist couldn't understand the other people fighting primaries for Senate motivation. We're spending couple of million dollars in it. Well, a generation later you wouldn't even get to the starting in this true [inaudible] yeah, the suitable times was the 1960s here with increasing speed, the gang into the, you know, whole new ways of campaigning, huge levels of expense, all kinds of organizations coming in, uh, methods of campaigning, which are totally unscrupulous. And Ah, firstly, how do you get effective law organizations to stop? How do you actually created a cloud here where people that interest parties better face up to doing it?

Speaker 4: (01:08:53)

[inaudible] I think Kevin does it is very difficult to, because there's so much inertia in the system and so many vested interests feels to me a little bit blind. Things have shifted because of the referendum, both in terms of what happened with phone leave and to believe, uh, the fact that [inaudible] balance is being investigated now by the National Crime Agency. You still don't know what the source of that 8 million pounds he gave the largest donation and this [inaudible] investigation is only because of some of the love account account. Dominic's. It definitely feels like it's much further up than the foreign government intervention. [inaudible]

Speaker 3: (01:09:39)

well, I've always very, we get the directions and probably quite a lot of other governors are doing this and test it there. There is kind of a thing, it's quite taking on the scale once you go out of the pockets and the establishment will be deeply sharp if you thought you were going to intrude on what went on as far as that violation. Fighting Eagle, particularly their fundraising here at best policies said they have my eye, my potty implosion army of people now

Speaker 4: (01:10:06)

you used to go, oh, David Lady money called shows. Yeah, it's a huge operation. But Ah, I mean I attended a conference week before last, uh, called the convention, which is organized by having reporter, um, in the, uh, convention center out in the cold. And I mean it was of the thousand people in the room talking about electoral transparency and sort of never again and stuff. And there's also, there's a big push around, um, facts and information being accurate and tracing for 350 million panelings on the side of the past and all that, which I don't think you can start that. I think that's going to scroll down, but that's a whole [inaudible] scrutiny. Laura

Speaker 3: (01:10:58)

said [inaudible] about it. Yeah, I mean yet somebody's telling a lie in the campaign. I'm not squeamish about my trade, I disapproved in strongly, but the idea of you change the every time. That's not the remedy. Pain House been done in transparency anyway. So the affinity look pediments can turn around and say several times have about the battle loss. That's a lie. We Miss Medicine. True. Um, but, but uh, things like there's fundraising and producing bogus out proof by your opponent, which isn't your opponent's at all. [inaudible] I mean the Cambridge Analytica stuff, there's a lot of people who are increasingly concerned about psychometric data

projection. That's a really good move for that to tagging data protection issues. So [inaudible] Facebook accounts, your name, whose name I'm driving, cause Facebook, I'm going to post twitching, check out until it was cause striped themselves. The, and I bought them together. All the people who claim to be on Facebook close down any amendment they can come out to sell out rage. Just stay out. And for some students it was about politics. 90% of the public would not leave my assertion it wasn't used.

Kyle: (01:12:30)

Um, yeah. And just on that, the digital side. Absolutely. And I think that, um, the broader issues around digital and the use of psychometric data and you know, trying to push emotional buttons over informational buttons, um, the impact it has on democracy and, um, democratic debate is the, the highest risk area. So I do think it's definitely for us to discuss because it will ripple out into the broader, you know, but if you're, you're getting the asa right now, the advertiser senior's authority is doing more than any other entity right now around this because of a brand. Um, what's it, when you have been negatively affect the company's brand brand reputation, that reputational damage to brand is seen as such a huge issue, but for whatever reason, we don't view it with the same regard in elections and democracy. You know, God forbid, you know, Unilever, Coca-Cola's brand to be damaged. What about like, you know, the brand of democracy itself, which is why people are turning away from, you know, the need for it even as an essential aspect of society. You know, the statistics on under thirties, who don't believe democracy is essential to their, uh, to their society. It is shocking. I mean in some countries it's over 40% who are like, oh well, you know, benevolent dictator. What's the difference? Good grief.

Speaker 3: (01:14:01)

If you had a pretty [inaudible] it all the time, come from a strong man, a smaller sort of maverick American rules, it's fine.

Speaker 4: (01:14:12)

We're going to get one of those and that would be primarily where we have the ICO coming in. So we've got a meeting coming up with the ICO and we're hoping Elizabeth Denim will be noted as clear about what parties got then what Philip files exactly, exactly. In particular regulating the big social media journalists. I mean, I think awesome pictures that we want to turn them from just being platforms but actually behaving like publishers with responsibility for war. They would argue that they're just platforms. They're just startling.

Kyle: (01:14:52)

My name is [inaudible] [inaudible] Nick Clegg's argument was that they weren't publishers because it's not like mark Zuckerberg sitting around deciding what's on your newsfeed. No, it's far worse than that. An algorithm is deciding there is no human agency at all involved in the editorialization of your Facebook feed.

Speaker 4: (01:15:14)

[inaudible] walking up to that that the regulation is going to come. Yes. While we want him to be a part of that particularly [inaudible] political activity and the other one, the challenge it is but full gate set the vocation, get this out in 52 plus both days generally seen as a thing where a little bit not when we talk about rushing into there in the snow a lot. I sold the recreation [inaudible] so I think we found out the event what you've seen and we spoke to capitalism, you know [inaudible] 100% I'll get in through remains and southern I talking, we said, but you know you could say this, you bring people off the streets, you vote lean into this room. I was just thinking, what the hell is going on there? These people look crazy vote. So there is a bit of a challenge there about breaking into that group with the general public. Don't. Why does it seem to go with industry as reaction? Always [inaudible] [inaudible] good consistent building stuff. Widespread contempt that low that all in give what they can get out. [inaudible] new polls that we need a strong man. Yeah, that's of course what they want to digitally meet is a strong man who agrees with me.

Kyle: (01:16:30)

Yeah, exactly. Exactly.

Speaker 4: (01:16:37)

Just the proximity. You can quite easily slip into just an authoritarian system without even learning. [inaudible] yeah. Even even pre voters, people need to be accountable and the, well that's what we want to try and achieve. So [inaudible] thing like that. But no, it's very useful frankly. Watch these totally. And actually didn't help me to touch on the things that the movements develop. Talk by tapping the Internet, like stopping

Speaker 3: (01:17:10)

foreign governments. Right. And it certainly dodgy donors are so universally unpopular, but parties would still want their donors left preserving their avenues if they wish. And [inaudible].

Kyle: (01:17:25)

All right, we'll have to go in

Speaker 3: (01:17:28)

with all guns blazing and without fear or favor because they, that the parties are going to have to come together and be business as usual doesn't work anymore because, um, the trust levels have become so low now in the way the democratic system works. Well, once somebody has to stand up for keynote the subject to such, we restore confidence in the system. The trouble is you don't care for what you want. You can bang for, don't careful further under budget cause you could start illustrating some of the things that go wrong and all that means is to keep, you're not able at the end to do anything about it. [inaudible] yeah, yeah, yeah. No, she wasn't. There must be with America magnitudes. You has to be joined in these immense numbers. Still Rescue, recruiting ordinary people to join political parties. It's getting more and more difficult.

Kyle: (01:18:23)

Hmm. I think you happened to you in the state. Yeah. The threshold's different. It's, it's Eh, and so yeah, nobody really joins the party. You're just sort of a register. Yeah. You're a registered supporter and therefore, um, but because of cause the electoral college under undermines, you know, actual democracy, you are socialized based on where you grow up as to whether your vote matters. So I grew up in California, it was going to be Democrat every time no Canada ever came to California except to raise money. So not all votes are equal save seats. And to the

Speaker 3: (01:18:58)

case here then maybe campaign, most people just told him their family was living conservative. About 3% of the population wouldn't be a swing to the left. And I'd be working individually with Edson as one of the hostility to be established. All of that. Yes. It's interesting to see as the extent to which cause the same seed concept brings down there. I think people have become more fickle. I mean this [inaudible] these areas, but should the European Parliament to sort of bizarre one off. But it was actually focused on one issue and people were really angry. So they all came out and voted. Now I've held my seat before the nine years and all that and it safety. Uh, we got 9% of the vote. The Labor Party will behind this and we might principle challenges for the last 22 years. And it was linkedin reps who dream conservative labor. A huge proportion of what?

Speaker 3: (01:20:02)

Say I got over 50% of the man and over 50% the lateral view learning was I have to be in Romania to here. Yeah. Suddenly all these automatic low tos, Oh, if I'm going to bed with, I won't say with a conservative, well four out of five in a box majority cause others didn't care at the vast majority of the negative actors didn't dare. Now it's quite amusing at the time. European populations in the [inaudible], it shows how collapse all in all boils is over. Put the system ease and you could have 11 people he painted, gone teaching that

Speaker 4: (01:20:50)

it'd become these English politics. She's sorry back. Do we want to formally close and I'll stop recording? Yes. So I think, did you have any? No, no. It's very useful. We're just building it up now. [inaudible] next Monday, next Monday where we have Bethany shiner confirmed academic and probably one other confirmed this Monday. Next Monday. I think my numbers should go up today. Yes, we sent them all through. We'll confirm with an email. Any other colleagues who might choose interest? We hope so. I mean we've split off the vice chairs and Kat Smith, so she's very keen to come along. Caroline knew crystal showed, so she'll come to the next group of hearings. It'll be kind of, you mentioned

Speaker 3: (01:21:39)

do will pass on that and do something kind of assigned to me and my phone, so I'll shut up, shut up, shut up, go to future meetings.

Speaker 4: (01:21:46)

Ken is brilliant, but we do promise for the serious discussion on that. We have. Light's really good to just stop building this. It in the sense we sold these here. He does a bit of a test run because [inaudible] there's a little bit of kind of inside outside here, but so the next hearings now will, based on what we've done today will give us a good foundation for starting to draft the report there. We have links on four of the most well versed academics in these areas. We have full fact, we have demos, we have the ICO, we have, um, hopefully have paypal. So they're, that they come from lots of places. So I think, yeah, we sort of ere able to frame the conversation and then give it a test run. And then, yeah. And then we trying to figure out where the direction, bringing the electoral commission evidence or whether we produce the report and then ask them to comment or, because of course that are key. But [inaudible] this way, they are the agency [inaudible] they've been very good at so far. We've been working as a team with them. It's just a question of [inaudible] then they must be frustrated. They are. I mean [inaudible].

All-Party Parliamentary Group on Electoral Campaign Transparency
Transcript of Oral Evidence
Session 2

Held on 24th June 2019 in Committee Room 19, Palace of Westminster

Attendees giving evidence: Nick Anstead, Associate Professor,
Department of Media and Communications, London School of Economics

Attendees: Stephen Kinnock MP, Chair, APPG; Deidre Brock MP, Member, APPG; Lord Tyler,
Member, APPG

Stephen Kinnock: (00:00)

Well, thank you very, very much for joining us. I guess have you talked to someone about the scope of what we're doing and why we're doing it?

Nick Anstead: (00:10)

I've seen a briefing in terms of what it is you're trying to achieve and the areas you would like me to, to, to talk about. So I try to keep my sort of remarks in, in those sorts of spaces.

Stephen Kinnock: (00:21)

Okay. Fantastic. Well, I would suggest then without any further ado, what we have asked you to is just maybe give us a brief summary really of your thoughts on this issue and your contribution to how we might achieve what needs to be achieved that would be hugely appreciated and then we'll just go into having some [inaudible] after that. That's okay. I think we voted to, yeah. Yeah.

Nick Anstead: (00:46)

Okay. That sounds, that sounds lovely. Um, so, so first of all, thank you for inviting me today. I mean, it's really, I think, fantastic. You're doing this and thank you to fair vote as well in particular. Um, I e by training and instinct, although I'm in a department of Media and communications, I'm an institutional political scientist. And I think one thing that that sort of taught me is the institutions need to actually work, but they also need to be seen to work as well to enjoy the confidence of the people who use them. Um, so I think this isn't just the challenge of institutional design, it's also a challenge of trust. Um, and, and clearly trust is central to democratic life. We have lots of empirical studies that tell us this. Um, and I think it's broadly true to say that we have a crisis, an ongoing crisis of trust in our, in our democratic institutions and, and maybe politics more generally as well.

Nick Anstead: (01:37)

Um, I suppose I'd like to start by saying that I do think that any particular electoral regime at any place in the world at any point in time will face, um, challenges. Um, so I don't want to necessarily sort of imply that we're in a unique situation of facing challenges or this is unprecedented. But I do think there are particular circumstances at this moment in time that have highlighted longstanding problems with the way we run elections. Um, and also, uh,

created new problems, uh, that I will turn my attention to. And I think clearly the one that a lot of people are thinking about and rightly is the development of platforms like Facebook and new social media advertising, uh, tools. Um, this has created new opportunities for political communication and also new challenges for regulators. Um, let me address one question straight away, which is why does this sort of advertising in politics and particularly in British politics actually matter?

Nick Anstead: (02:36)

Um, and I would argue that really without any kind of meaningful debate or discussion, we have overturned a consensus that has existed for about, uh, 50 years on not allowing commercial advertising or commercial advertising or mass commercial advertising on the primary advertising medium of the day into politics. So for a long time we agreed that, uh, radio and television advertising, uh, political radio and television advertising, uh, would be forbidden, would not be legal in the United Kingdom. Um, but now political parties and campaigners have access to a new media, um, social media advertising where they can spend, uh, literally millions of pounds on targeted political advertising. So this is a really fundamental shift in how we communicate and the way we undertake politics. And coupled with that, I think there are a broader set of social and institutional changes that we need to be aware of that are simultaneously occurring.

Nick Anstead: (03:30)

So, uh, the political world is becoming more unstable. Party systems are more porous and public debate is much more diffuse. Um, and I think this raises important questions about exactly who it is we should be regulating. So what are the boundaries of electoral regulation and indeed what even are the objectives that these regulators should be seeking to achieve. So I want to be mindful of these questions as I turn my attention to the three headings I was asked to consider. So one is transparency, one is deterrence and one is monitoring. Let me start with transparency. So transparency is one regulatory solution you can employ to achieve fair and well regulated elections. Obviously. Uh, if we can see what people are doing, how they are spending money, where they are receiving money from, we can do a lot to actually regulate those electoral spaces. But I would say there are particular challenges for the model of transparency.

Nick Anstead: (04:27)

We currently employ, uh, raised by a Facebook type, uh, advertising environment. So there are a few reasons for this. And the first one is that Facebook is essentially a private, uh, media. And this actually I think is true in two senses of the word - the first thing is that anything someone sees on this Facebook page is inherently private. It is not a, uh, broadcast media like television for example, where anyone can access and catalog, uh, what is being seen easily. So this leads to all kinds of impossibilities. Um, so for example, parties making different promises to different groups of voters during an election or foreign actors attempting to purchase advertising to destabilize a liberal democracy. And I should say that these are two differing degrees, real or

hypothetical scenarios. One of the other problems is we don't have the empirical data to actually say the extent to which these things may or may not be happening.

Nick Anstead: (05:23)

Um, but also the other point to say is that Facebook is a private company and its product is the data it has from us and also the algorithms it uses to actually target information. In other words, the processes that lead to information actually appearing on an individual's Facebook page. And of course the problem with this is, um, we might wish Facebook to be transparent with these things, but that's actually quite problematic for them because that is their profit margin essentially, that is their secret sauce, the algorithm that they use to make their business model viable. Another issue is that this is a networked environment. So again, um, it may not be obvious the boundaries of what a political actor is in terms of a traditional regulatory model. So we, for example, might seek to regulate a political party, but in network environment, it's much harder to say what the boundaries of a political party actually are.

Nick Anstead: (06:21)

Um, so would it be their supporters posting things online? Would it be organizations that claim to support that political party or particular figures within that political party becomes very problematic. And of course we should also remember that there are consequences for attempting to regulate those sorts of networks in terms of freedom of speech and freedom of action for people who do want to participate. And it also, I think raises particularly challenging questions about how we define a collusion in a networked environment. Um, let's move onto deterrence. So I mean, the classic question we would ask, I suppose about deterrence is do people actually feel they can get away with it and do they feel the price of being caught is actually worth doing it? And clearly I think there is an issue here, which is the electoral commission and I think they're on record of saying this, say that they lack the expertise to police these environments and they lack the resources to do that and they lack the means of punishment to actually, uh, do it. Um,

Nick Anstead: (07:22)

ultimately I think what we will probably find is that people will bend the law of any kind of electoral regulation as much as they can to achieve the advantage that they may achieve. Um, I will mention one really instructive example of this that I encountered when I was doing some research into the 2015 election, which is, uh, one of the first events where we actually saw, um, tensions emerging in our electoral regulatory system. And it particularly these tensions came around the definition of local versus national campaigning and what was defined as local versus national campaigning. Very important under the regulation, uh, that we have. And I ran a seminar group after the election as part of the research project for writing a paper, um, and we had representatives of both the Conservative Party and the Liberal Democrat Party in the room and they were furious with each other because in the eyes of the Liberal Democrats present, the Conservatives had at the very least broken the spirit of the electoral law in terms of what they had defined as local campaigning.

Nick Anstead: (08:23)

And at the eyes of the Conservatives prereq present. They thought this was a fair game interpretation of the law. So one issue here is to avoid ambiguity in terms of the law and in terms of what it is we actually think is acceptable. If we're going to have a definition of local and national campaigning, we need to actually make control that definition is operationalizable and also updated depending upon the nature of the campaign environment and how, um, how it's changing. The other interesting counterpoint to deterrence is of course incentives. In other words, what are the actual incentives that are in to break the rules? And of course I come back to the point I made earlier about Facebook advertising. In the past, it simply wouldn't have been possible to spend large sums of money very rapidly in an undetected fashion. But now we have this media where campaigns can actually do that.

Nick Anstead: (09:10)

That's changed the incentive structure for campaigns to actually potentially break the rules. Um, there's one other point I would make about, um, attempting to enforce these laws, which is what do we actually do when we enforce them? And I think one of the interesting challenges is, um, we only do this after the event. And so you have an election, you have a referendum and then it is found out that someone has broken the rules and of course you can fine them, but ultimately the actual act has taken place. Um, and the actual institutional moment has passed where the decision has been taken and it's quite a strange sort of counterfactual to sort of think, well what would actually happen if we could discover these things in advance and how would we actually police that? Um, I want to move on to, to monitoring finally, which I think in the documentation is defined as identifying problems and responding rapidly to them.

Nick Anstead: (10:06)

I think this is really, really difficult. And the reason for this is that elections are by definition infrequent high risk events. They don't happen very often, but the stakes are very high when they do happen. Um, and also in this context, we are in a period of time where communication technologies are evolving very rapidly. So if you have an election five years later, the entire communication edifice might be completely different by that point. And, and of course in contrast, electoral law is notoriously slow moving and hard to fix. Um, so I suppose my personal view on this is the solution is probably some form of considerably beefed up electoral commission with considerable level of independent authority, um, and the ability to act somewhat at least outside the political sphere. Um, and indeed a sincere attempt to move, um, electoral law as far as possible from the political realm and give that power to the electoral commission.

Nick Anstead: (11:03)

But then this leads to my, I guess, last general point, which is, cause I've spoken quite a lot about Facebook. I've spoken quite a lot about technology in the last few minutes. Um, so I'm gonna say, um, something that then probably seems counter intuitive, which is to me it seems actually counter productive to spend your time worrying entirely about Facebook or whatever particular platform might appear in the future. Um, or to put it in a slightly different way, I think

the conversation we probably need to have is one about values. We want to regulate into our electoral system, um, and the behavior we want to regulate out of it. Um, and then we can start to build a robust institutional framework that can tackle not just current but future challenges as well.

Stephen Kinnock: [\(11:47\)](#)

Thank you. Thank you very much indeed, that was a really good framing of the issues that we face and some very good ideas around solutions. Deidre would you like to kick us off with any questions?

Deidre Brock : [\(12:05\)](#)

I suppose that some of the questions are about for me were around, um, when you say it's just counterproductive to worry just about Facebook, maybe you could talk a little bit more about what the values you might see being incorporated in future definitions around that would be helpful.

Nick Anstead: [\(12:24\)](#)

Yeah, so, so I think, I mean, to be clear, I worry a lot about Facebook and I spend a lot of time talking about Facebook. Um, but I, but I suppose my concern is it was that it was very, um, I think a really interesting point that the fair vote have put on this, which is monitoring, which I think is really is, is simultaneously an area where we can say regulation is definitely failed in the past few years. But it's failed for entirely understandable reasons that this is really, really hard. And I think if we spend our time focusing on technology, um, or even particular platforms and I think we necessarily end up chasing our tail, we end up - something bad will happen, then we have to react to it. I think the much higher level conversation to be had that allows us to respond to those challenges when they emerge is, well what is it we would actually like our electoral regulation system to achieve.

Nick Anstead: [\(13:17\)](#)

So for example, a, do we want a level playing field between political parties? And if so, which political parties? Um, it's interesting, something about campaign finance law in different countries. Sometimes it's designed to encourage new entrance into the system and sometimes it's encouraged to discourage new entrance into the political systems. The classic example there is actually is postwar Germany where actually the campaign finance system on state funding is designed to actually make it quite hard for new parties to enter. The bar is quite high because you get funding when you get MPs essentially. Um, and so there's a question about values and I think we've kind of missed the trick here because as I said at the outset, you know, we now have political parties that can essentially engage in an incredibly expensive form of commercial advertising. And I don't really remember ever anyone really ever having a conversation about this. Um, whereas as I say, for 50 years we've said actually no to the dominant form of commercial advertising. And it seems to be quite important that we have a conversation about, well, what is the, what are the consequences of bringing money to that degree into political life and electoral life? And that that is somewhat removed from the question

about how we regulate Facebook. It's related to it and it's triggered by it, but it's not quite the same thing.

Deidre Brock : ([14:35](#))

Just your comment about being very worried about Facebook, obviously mystic said click, click a was talking today about the fact that even the same thing, much of an issue at all. Where do you think he's coming from on that? I mean I've only read the newspaper report and seen the tweets, but...

Nick Anstead: ([14:53](#))

I think in common with a lot of people my view is he's missing the point. So I, I've only, I've only sort of read the brief, um, sort of headlines on this as well. But I think what he's doing is he's using an argument which we've seen in lots of which is it's not the case that whatever sort of behavior we've seen on Facebook, whether it's Russian bots or whether it's illegally purchased ads, that were over the spending limit or whatever it is swung a vote, we cannot prove that it changed the way people vote. Uh, and, and that of course is, is almost certainly true and we get into empirical questions here that are very, very hard to debate and political scientists are having a long conversation about how we relate to Facebook anyway, cause you've basically got two ways of researching Facebook. One is to get into bed with them and another way to sort of develop hacks to get data from them.

Nick Anstead: ([15:46](#))

And neither of these are terribly good in terms of getting good robust data. But trying to answer that empirical question about: well did it matter in terms of, you know, swinging this many votes that then changed the outcome I think is missing the point. The question is do we have a robust regulatory mechanism that we can trust and robust institutions that can say we have a set of values about the role Facebook should be playing in elections and they breach those values or the people on it have breached those values. So I think, I think we can, we can, I think it's mischaracterizing the question. It takes us to a question we probably can't answer to say, Oh, you know, did 2 million people vote in a different way because of these advertsL?

Lord Tyler: ([16:29](#))

[inaudible] and confession time. First time the Liberal Democrats begs for no constitutional reform, but I a hundred too long. Name was talking about [inaudible] write of course won't block people wasted a little blood money. That's past to be true. Um, I want to get back to the values. I mean since 1883 h has been politics, the UK is in absolute concrete firm proposition in terms of values that you don't buy seats. And we've had rigorous or regulations do that. And because we don't have a presidential system, we don't elect a president, we don't late to government where you're letting individual constituent representatives, um, that fall perhaps the critical bit in my mind. And therefore your reference to the difference between what the regulations for constituencies in candidates and work parties is critical now that we are bunch see a set of [inaudible] [inaudible] pap tests from the natural permission to make that explicit split more effective, which is precisely the point we are affecting.

Lord Tyler: (17:37)

Um, I haven't been [inaudible] recently. I was first Trump standing for election in 1966 for God's sake. That should be one for when of course if you spent one penny extra, you could be in front of an electoral court. Now thousands of pounds, thousands and thousands and thousands of pounds are directed into constituencies by the national parties under the preparer regulations, which don't fall under the RPA. And that seems to me to be a big, big problem in the long as it relates to the move from analog to digital, not exclusively [inaudible] call centers can target an individual in a constituency to persuade that person to vote false, to know whoever that as much a directed, targeted buying of a vote as anything that happened in 1883 similarly with direct mail. So it doesn't get Facebook this point I'm going to make, you're absolutely right. I think it was a choice parties to look at that and that's where the big, big money is going.

Lord Tyler: (18:42)

But that's not the key issues. This how much money is being spent by parties to get individuals elected in individual constituencies. Digital helps stand and transparency is hugely important. I accept that. And again, of course the way which one is raised through the Brexit circle parties way of doing. So all of that is very significant, but the basic values, where did you find, so welcome from your presentation? Basically value is in this country, it is not possible to spend a lot of money buying the election of individuals in the individual decisions. Digital [inaudible]. It's not the only way.

Nick Anstead: (19:24)

Um, I would agree entirely with that. Um, and what I would, what I would slightly say is I would broaden the definition of digital, um, because I think the, uh, so, and that's why I was careful to sort of drive, I think treat Facebook as an example of this because I think if you look at those call centers, if you look at those leaflets, even if you look at those people knocking door to door, the ability to tailor messages and target those messages, particularly it driven by what I would term digital e, uh, data driven campaigning. Uh, and that involves things like mosaic. Uh, but it also involves overlaying that with data sets and places like Facebook. So it's this integrative data-driven environment that joins together these various bits of the campaign and makes this definition of local and national so problematic. But I completely agree with your point about the sort of subversion of these definitions. Um, that has been used very effectively, uh, by, by political parties.

Stephen Kinnock: (20:29)

Um, for me just coming in on that point [inaudible] what would be the solution to that? I mean I you suggesting that there should be some Cam Kotel money that could be spent on local targeting. So this, this way, listen, we really issues lead offs or national into how difficult that is to Tracy is a way of thing. Is there a way on, you know, there are 650 constituencies, so you say, well we're going to create a this much which is at a national level and we're going to have a beefed up the next commission that really clarifies the link between yes as genuinely, authentically national campaign. Okay. That can go into that bucket. And then there is another

bucket which is national, which is local companion and we're going to regulate operators as well. Managing each one of those should be kept to the times the way [inaudible]

Nick Anstead: (21:32)

I think it would be one way forward. I think the principle is sound. I think the problem and the thing that I probably don't have an answer for but needs to be thought about more is what would be the types of examples where we would define something as being local as opposed to national. So I am, in terms of my, my research, particularly on Facebook ads, I'm in the second category of researcher. I work with an organization called who targets me, who, I don't know, you may have heard of it. You make it good. Well that they're super, they're absolutely, they're wonderful people and they've done wonderful work because they, they devised a browser plugin where if you install it as a willing participant with informed consent, it would harvest all your Facebook ads. And they did this during the general election and actually we didn't necessarily find what we expected to find, which was we expected to find, um, sort of hyper localized campaigning.

Nick Anstead: (22:29)

So promising someone to build a ring road or something. We didn't find that what we did find those hyper targeted campaigning on national messages based upon an individual solutions and, and, and, and, and also obviously where they lived. So there was an element of constituency targeting going on, even though it was framed around the national message. So now the question I ask as an open question, because I say I don't necessarily know the answers, whether that fits into the category we're talking about. In other words, whether the nature, the nature of the targeting is sufficient to make it local campaigning or is it predicted on the magic words test where you have to mention the name of the MP or their opponent or something to make it. So we can imagine sort of different, uh, categories and hierarchies. And I guess there's a question about where we would consider it appropriate to draw the line there. But it's a, it's a really difficult question and I guess I don't have necessarily a kind of fully formed answer to it,

Lord Tyler: (23:29)

but I did notice that the commission thinks it has 10 stays [inaudible] with us relatively short tick what their [inaudible] says. It's absolutely foolproof. I'm going to snaze whatever weight getting this straight. But what they're saying is if the person that is receiving

Lord Tyler: (23:47)

this message by whatever means direct mail call center or more obviously in your text, indigenous is a specific person in a specific area. The purpose of that communication is to try and persuade that person to vote for a candidate and if the candidate has already been nominated at the beginning of the short period of the election, not just an election communication, what, what's the difference between that and actually not be on the door and getting somebody a message I'm sending piece right for Steven. It's just the same as just a more warm way to communicate. So the obvious one is as you were implying, just know if the

target is identified and you can do that in post with Facebook. I don't know enough about the other card books but if you do it with by post code, if you've been doing by direct mail, obviously it's to an individual. If you call somebody up and say I'm asking you to rate percent that should be a candidate expense, returnable by the candidate who is agent and should come within like the, the already very fun restriction on the amount of money.

Stephen Kinnock: [\(24:52\)](#)

Yeah. So it's not about the content of the message, it's about that the individual was receiving the message. And how targeted is that message that you gotten?

Nick Anstead: [\(25:02\)](#)

I mean been, I, I would certainly have some sympathy with that view. The problem I would see with that that we will come back to is it would require a massive level of transparency from the parties and from the platforms in terms of understanding how a message got from the point of its creation to the point where it appears on someone's screen or someone's doormat. Um, so, so it would require a considerably ratchet up form of transparency cause in terms of what Facebook has released so far in terms of their, their online platform for example, and their adverts where, cause they have gone a long way in terms of releasing adverts. But what they were leading is the content of the outbursts. They're not really saying

Lord Tyler: [\(25:40\)](#)

who CSUN that they releasing. Who is responsible for yes. [inaudible].

Stephen Kinnock: [\(25:48\)](#)

yes, yes. I know. I mean I think there's certainly a consensus that there should be the digital imprints on that but the, the question then is would it be possible to get Facebook to share the information about who's receiving these messages? I don't have the, so that you can see that they are targeting.

Nick Anstead: [\(26:13\)](#)

I think you'd have to ask them. Uh, [inaudible] um, it, it could, I mean, part the problem is this is a very gray area in terms of who should actually be doing the regulation. Um, I mean I think they, I can't speak on their behalf, uh, but I think they have always been nervous about raising that sort of data a on the grounds that it's corporate and sensitive and B, they will make a defense of privacy as well.

Stephen Kinnock: [\(26:40\)](#)

All right. Okay. Well that's pretty useful for us to note something,

Nick Anstead: [\(26:44\)](#)

but as I say, I would, I would advise asking them

Stephen Kinnock: [\(26:48\)](#)

drove full. She called and haven't managed to get the chunks of our APPG here. [inaudible]

Speaker 3: (27:01)
did you want to just,.

Deidre Brock : (27:02)

Just returning to this notion of values being inserted into this whole issue is, that implies a certain amount of subjectivity. I'm just wondering what you think the electoral commission would need to do. How much, what would it need to do to be able to cope with that? What, who would it mean to impose, touch the people that need to acquire much more than just sort of what we were talking about in terms of trying to monitor intensely what's happening on social media platforms. I mean, surely it feels as if they don't cope and terribly well at the moment where, what do you think you need to do?

Nick Anstead: (27:38)

Well, let me, um, I probably wasn't clear enough in my opening statement on that because I think the question of values is probably an easy political question. There has to be a political question. So that has to probably be decided in this place, uh, in terms of what we consider an appropriate electoral system and, and, and how it's run. So something like the local national distinction, we consider that sacrosanct. Um, something like keeping big money out of politics and leveling the playing field. We consider that very important, uh, that then the, the, what I would then suggest is the question about how do we actually achieve that. That then becomes, uh, something that probably could be done with a beefed up electoral commission. Um, and I think the problem they, they, they really have at the moment or my understanding, and again, I know you're hearing from them, uh, later when this evidence session is that they are very under resourced.

Nick Anstead: (28:31)

Um, they have faced a number of challenges that I don't think that the legislation that created them was ever envisaged to cope with. Um, and, and of course the problem is that in order to fix that, they need new legislation. But of course it's a notoriously difficult area to regulate on, uh, and to legislate on. Uh, so I mean, my thought would be, you know, they are doing some very good things such as those definitions about local and national, but they need more resources. They need more expertise in different areas. And I think also the possibility of inter agency cooperation. I think is very important as well. So for example, these questions, these gray areas, what's ICO and what's electoral commission? Um, is there the possibility of pooling expertise at specific moments, uh, between these agencies and how well they can work together? Um, I actually sat on a commission that the LSE did the, the T3 commission, which was truth trust and technology and the end result of that was we advocated a new, a new regulator, um, for social media platforms, which would have a high level of expertise in these sorts of spaces.

Nick Anstead: (29:36)

And again, it would be, I think quite easy to imagine a close or a succumbent between that sort of regulator and the electoral commission to provide them with the kind of fire power they need in a space where it does require a high level of expertise.

Stephen Kinnock: (29:55)

Just turning it a little bit then to the institutional capacity of the ICO and the Electoral commission, you talk about interagency cooperation. Did you see a potential role for the National Crime Agency?

Nick Anstead: (30:12)

That's an interesting thought. I mean it takes me slightly outside my area of expertise in terms of sort of criminal proceedings or legal proceedings. Um, I think one thing that is quite your to struck me in watching the past three years, um, of electoral shenanigans playing out is the extent to which it clearly it is a criminal offense, but in some ways it's almost been decriminalized that's not quite the right word, but in the sense of there's a very clear distinction between the electoral commission investigation and the criminal investigation, which in some ways softens the, certainly the public impact of these rulings. And something I certainly thought this, and again, I'm not a lawyer and a lawyer may well tell me this is a really bad idea, but something that struck me is that, uh, on the day the electoral commission released its report into the vote leave, uh, findings.

Nick Anstead: (31:07)

Well, they didn't actually get to release their report, of course the report was leaked in advance of them releasing it. And it struck me that why on earth or if it was found out who was responsible for this, does the electoral commission not have the power to hold them in contempt? Um, because clearly they were trying to seek a mediated advantage by leaking this information in advance. So I, I, I certainly, I, I don't quite know how the national crime agency would, would fit into this, but I certainly think there's an interesting question about whether this should be a more criminalized space, um, because I think that would change the nature of the public discourse around it as well.

Stephen Kinnock: (31:40)

Yes, and there are examples in other countries of course where it's within the remit of the - in the United States, within the remit of the FBI, so you know, you've got with that, um,

Lord Tyler: (31:55)

has it been at a nonsense rate and its opponents for awhile? Oppression. But we have two quite different statutes. One takes you in one direction and one the other parent goes in one direction. And the RPA, the RPA one is the lungs very beginning to the threadbare because it's taking so long to fit and the commission is always arguing this should come together in their interest. [inaudible] but the sad fact is that that would require quite major, uh, amalgamation of, to follow fiddly bits of legislation. So the likelihood of us getting guns shoot this short Brexit is this [inaudible] it's big job. Um, but the point I think that the commission has made and could be

dealt with in practice is that that past of fighting over community Christie in Eh, out of days, the information commissioner can go count what percentage but client consent or some money and individual, uh, um, things going wrong that could add an extra commission. You need to go through 2000. Well, if you're in the business of spending two or 3 million on something and who cares? [inaudible] that's upset, isn't it?

Nick Anstead: (33:13)

Oh, I completely agree. And I think it's, I think it's this, this junction between the possibility of deterrents and incentives. So actually the possibility of spending vast sums of money in nefarious and illegal ways is much, much higher, but the penalties for doing so have not moved in line with that.

Stephen Kinnock: (33:29)

I'm looking forward to the next big, uh, democratic event, which could be a general election, could be at another referendum. What do you think are the biggest challenges? Do you, do you think that there's a serious risk of, uh, some of the long journey? Okay, I'll go into here. Do you see any up that tighter regulation of this?

Speaker 4: (34:00)

Why are we heading full? Yeah, the same.

Nick Anstead: (34:05)

Um, I think many of the fundamental problems still remain. Uh, I think we have. Um, so I, I think they all have different, different contexts. I think that's important to say as well. Actually, I think the particular storm we got in 2016 was the consequence of having a referendum. In other words, a, an event where, um, voters didn't have traditional party allegiances in a clear way. So they were maybe more open to being persuaded and also an event where essentially, um, you didn't have the democratic safety valve of being held accountable for what you said. Because obviously in an election you can lie as much as you want, but then the election can sort of take their vengeance on you afterwards in a referendum. That's much, much harder to do. So, so you lose that democratic safety valve. So I think a referendum is a particularly problematic political environment for these, these risks.

Nick Anstead: (35:02)

Um, but I think the fundamentals are still problematic. The electoral emission doesn't have the resources, it doesn't have the power. There are still these very non non-traffic transparent, um, online, but also offline environments. I mean, as I said, we don't know how someone sees a Facebook ad. We don't really know how someone gets a leaflet through their door either and the data processes that lead to that. Um, and we may be slightly more aware of these things. So for example, I think again, if you, if you had someone from Facebook here, I can't speak for them, but I suspect they would say we've done a lot of work on, into increasing the electoral security of our systems. So things like fake news will be much more controlled. And that, of course is welcome. But then on the other hand, do we feel entirely comfortable with a, a multinational

private company taking these sorts of decisions about what things the sensor and what not sensor.

Nick Anstead: (35:51)

So you may see some improvements, you may still see some fundamentals in place, but I'll, I'll make another point, which I think goes back to the original, the very opening point I made, which is institutions have to both be trusted or have to work and be seen to work. And I think we now have potentially such a significant crisis in confidence in our regulatory institutions that whatever outcomes this referendum or election would generate would be contested, potentially would be undermined. And that could come from either side. It could come from a politically the left or the right or whatever kind of combination of forces we might imagine. Um, so there's, there's a rhetorical risk here as well as an actual regulatory risks that undermines confidence in our institution.

Speaker 3: (36:36)

Coming in terms of what you think the biggest risks are, I mean clearly the word [inaudible], but there's also the fact that quite dodgy phonation seem to be passed around as fat for you. Where's the biggest threat? Or is it just a combination of all the,

Nick Anstead: (37:05)

I think, yeah, I mean I, I think, I think it's a great question. I think the, the issue that I would see as the biggest threat are a combination of the various things we've discussed. So this might be political party seeking to bend the law to actually absolutely breaking point. It might be unaccountable extra party groups or groups of activists actually breaking the law. Um, it might be international actors seeding content and creating polarization, um, but they are all simultaneously, causes of something far more dangerous, which is growing mistrust, an instability in the institutional arrangements that we used to run elections. And I also think, I suppose just a good, my, my very strong view, and I hope it's come across in what I've been saying is I do think we need to really urgently revisit electoral regulation how we do it. But I suppose there was also a slight risk of a sort of dangerous dogs act effect as well, which is the, in the rust, Russ, the rush to regulate, we ended up drafting bad regulation or regulation that is designed to cope with the last crisis but doesn't necessarily provide the regulators with the tools they need for whatever unforeseen scenario. And this I guess goes back to the, the, the, the, the point that elections are unnecessarily infrequent, high risk events. And so actually we need to provide institutions that are robust enough and strong enough and flexible enough to cope with unforeseen challenges.

Stephen Kinnock: (39:02)

You mentioned this a t freedom trust and the truth trust and the technology and the key recommendation was to create a, an agency, um, regulation board. Can you just say a little bit more about your proposal? Was it, uh, and all singing or dancing? So looking at everything from fake news to foreign money to data targeting, to these issues about where the spending should

be allocated for the whole [inaudible] you're sort of saying let's merge ICO functions and actual commission functions. Even the NCA functions on the one [inaudible]

Nick Anstead: (39:39)

no, not quite. If you'd like, I can send a copy of the report that we produced and it was produced with my colleagues in the Department of Media and communications. Um, so we'd actually covered a wide, wide range of different areas. So, so my colleague Daymond Tambien, who's interested in regulation, my colleague Sanya Livingstone, who's interested in child protection. Um, but the key point was it wouldn't be a replacement for those regulators. It would be a particular regulator that focused on platforms, um, and the, the, the potential harm they could do in different, uh, in different areas. Um, but the key point was it would be a, it wouldn't be self-regulatory, but it wouldn't be government. It would be autonomous of government. Uh, but what it would do is have the power to actually, - and the expertise - to work with the platforms in terms of the types of content people were seeing. Uh, so essentially access to the algorithms and the mode of content organization, which is the hugely nontransparent bit that we don't really understand. And it means that so many of the conversations we're having about this are quite nebulous because we kind of have an assumption that there might be certain problems. Actually there might - these problems might not exist. We just, we just don't know cause we can't get the empirical data. And so it'd be a UK agency,

Stephen Kinnock: (40:54)

the UK. So it would, it would engage with the platforms and say, right, we need to know how you're working around things and how much duration your content is covering and who's being targeted. Right. And do you have any sense of, I mean, I'm assuming the response from the platforms to that would be negative?

Nick Anstead: (41:18)

Um, well I, yes, yes. Um, I think, I think you think

Stephen Kinnock: (41:24)

the government could legislate [inaudible] would the way, would that agency then have the teeth to do that regardless of whether or not the platforms resistance?

Nick Anstead: (41:34)

I think that was, that was the, the aim of the proposal we made was to create a, uh, an agency that was simultaneously removed enough from government to ensure confidence that it wasn't a censor, but at the same time had sufficient clout and power to, uh, enforce a level of openness and transparency from the platforms. In terms of the various issues that we were, we were interested in.

Lord Tyler: (42:05)

in the shorter term, the electric commissioners, we've got the Labor government sends it out. There's very strong support and from my Lord, but we made absence. Certainly it was to be

sufficiently arms length from government to make sure that it was not going to be always partially pre to the the the government position. And I think this is pretty urgent stuff that we just got mean shorter and you or choose, we've got to try and make sure that the electrical mission is properly maintained and is independent because it's been a site tab pretty regularly over the last two, three years since the reference. And that's why I think it's really important that we keep our eye firmly on these immediate issues about its role, values that you're describing. It's part of fine and the very important need to speed up its processes, which is not his fault, it's because of it's then handed over to DPP and the fleet police DB, uh, in the case of individual, uh, constituencies.

Lord Tyler: (43:09)

So I did that. We're not [inaudible] for us to be, as it were, like there's a good to be pursuing a longer term objective, which took an anybody's eyes off the immediate upon, thank goodness the government is beginning to recognize the scale of the problem. Not least because they may not be able to proceeding. And drivers and Damien in an advantageous position often that I pointed out in our house the other day, that buzzfeed knew more about what was happening than the government in terms of the amount of money that was being spent online before the started governments, far for the European public shame. Never Delay [inaudible] Nice. That's pretty amazing, isn't it? Presley didn't want to know.

Nick Anstead: (43:49)

Well, let me make a point which I want to make very, very clearly, which is, um, the electoral commission, as you say, has come in for quite a lot of stick in the past three years. And I think a lot of this does come down to the nature of the investigatory process and then the way in which that entered into the public sphere or as a, as a, as a form of essentially debating points about the rights and the wrongs of the referendum. Um, but my argument would be if the electoral commission failed, I don't think we should see it as a failure on their part. And I don't think it's an argument for less electric commissioners knocking, but for more electoral commission,

Stephen Kinnock: (44:27)

it's whether it would have the capabilities to do this piece of regulating platforms.

Stephen Kinnock: (44:33)

Do you have that capability or do you need to create a thing tailored...

Nick Anstead: (44:37)

I mean, one thing I would say, which is I do think that the idea that elections are high risk environments, um, is actually very true for the platforms as well. Probably more so than with many other issues that they have to deal with on a day to day basis. So I think, um,

Nick Anstead: (44:59)

let's put it this way. I think if you, if in the unlikely event you could get mark Zuckerberg here, I think if you could say to him, we have a solution that means you don't have to worry about

elections ever again. He probably would be quite interested in that. I think he might be less interested in other spaces, but I think that the, this situation with elections in various parts of the world has been such bad publicity for the platforms. Um, the, the, this might be one area where they are more amenable to working with regulators.

Stephen Kinnock: (45:27)

Interesting. Thank you very much for fighting. We reached out to a 12. [inaudible]. Any questions? Anybody? I trust?

(45:39)

Well, it's just about campaign spend and regulating that, what you thought might be the best way of doing that too. Speaking about real time invoicing.

Nick Anstead: (45:51)

It, it seems sensible to me if it's possible. Again, I, I mean obviously the faster you have transparency and the more detail you have. I mean part of the problem is that the level of detail we have is so, I mean, not detailed, uh, the, the, the, you know, the more information you can give people about where money is being spent, uh, then that's clearly a very, uh, a very, very good thing. And, you know, real time is also very, very good.

Stephen Kinnock: (46:17)

Wonderful. Thank you.

Nick Anstead: (46:23)

Oh, forget it. We participated in the T3 commission report so I can get it and have it as like formally submitted to the APPG as well.

Stephen Kinnock: (46:31)

Yeah, that's great. Great.

All-Party Parliamentary Group on Electoral Campaign Transparency
Transcript of Oral Evidence
Session 3

Held on 2nd July 2019 in 5-70 Millbank House

Attendees giving evidence: Will Moy, Chief Executive, Full Fact; Bethany Shiner, Lecturer in Law, Middlesex University

Attendees: Stephen Kinnock MP, Chair, APPG; Lord Rennard, Member, APPG

Will Moy: (00:00)

I mean to see it today, you've obviously got some of the background on what we're looking to achieve, the all party parliamentary group was established quite recently with a specific objective really, which is to, uh, gather evidence from experts such as yourself on how we can restore faith and trust both in the legislative framework that underpins, uh, our electoral system, but also the institutional capability to regulate that flips as a framework and to enforce it. Um, to that end, we've established an all party parliamentary group, which will seek to, uh, produce a green paper, in the autumn and we are taking evidence from a range of experts and we will continue to do so at least until uh, the summer recess. Uh, inputs will include, uh, the electoral commission and the ICO. Um, and we're hoping as well to get some evidence from the cabinet office, we confirmed stage will evidence.

Will Moy: (01:11)

Oh, that's great. Excellent. Excellent. Uh, so, so it's great to have you here with us. And, um, I, I would suggest that we ask each of you to just give a kind of an overview if you like or maybe a five minute pitch on what you think of the priorities, key issues, uh, issues that needs to be addressed, problems need to be fixed, weaknesses in the system. And it would great be great to hear your suggestions for how we might do that. We want the green paper to be full of tangible, uh, practical recommendations, uh, that we think can be implemented quickly because there's all sorts of things I need some speed in all the best because we could well be having a general election or another referendum or whatever it might be quite soon. So we feel that some of these things need to be fixed quite rapidly, which is also of course the message from the dcms select committee or report today. So that in a nutshell is what we're seeking to achieve. Is that great clear? Dionne, did you want to add anything? No, I think that's an avenue. That's where we are, that's what we're trying to change. So great. I don't know who'd like to go first? Would you like to kick us off? Yeah. Give us your, you know, the top lines.

Bethany Shiner: (02:31)

Okay. I will do my best. So I know that you've wanted this kind of quick win before as you've posited and so our response specifically to the four suggested reforms that you laid out, um, in a while. Um, but also just want to, I know that, um, the green paper I believe, and will also look at kind of next steps and, uh, more broadly as well because yes. Yeah. Won't just be short term, because a lot of the suggested reforms I've come out so far from the m d c MSA after the ICO and the electoral commission. A lot of them are really sensible, but a lot of them are just incredibly temporary. Um, I'm really concerned that a lot of those, um, amendments would actually be made redundant very quickly. Um, and because of that, I tried to take a step back when I'm thinking about how the system maybe improved because all of these issues are contextualized within, um, our political system, which for many years has shown signs of growing disenfranchisement for example.

Bethany Shiner: ([03:47](#))

And so, um, and the issues I've recently arisen through the Brexit campaign, but also, three other campaigns and in the UK just heighten, um, that, that tension, um, and, and that problem. And so, um, my suggestion is that, um, we do have to kind of restore faith and trust in the system but also have faith in the electoral outcomes because, you know, we, we meet and we haven't had a situation where there's been an outcome that's been, um, accused of being somehow faulted. Except of course, um, there's been some accusations in relation to Brexit, but none of it can be, um, measurable anyway cause it's so hard to measure influence. And that's the one question and your way. And I think the question should be about the values and how we ensure that the value of integrity within, um, within our electoral system is built in.

Bethany Shiner: ([04:49](#))

So making sure that we're building those really basic values of integrity, of the transparency of, of trust, um, and making sure that it would make sure that those values, that the sense of renewal reforms when that also in that allows necessarily degree of flexibility that even needs in order to continue to safeguards in when new, um, campaigning methods come in. And already we have, um, the global use of WHATSAPP for example, which raises issues that aren't covered in, um, the select committees inquiry because it's a closed network. Um, so the same level of scrutiny that we can afford to Facebook adverts for example or means or whatever, um, isn't forwarded on whatsapp. So you've, you saw it in India for example, that what's, that was a massive influence and there was a lot of this information, um, being spread on, on whatsapp. And of course, whatsapp is owned by Facebook.

Bethany Shiner: ([05:56](#))

Um, and I believe that it, soon they have plans to integrate the, the messaging system on Facebook messenger, Instagram and lots of, I'm not sure exactly what the implications of that would be for, um, that's just an example of that - that I'm using to demonstrate how quickly we could be actually still a few steps behind on how technology is. Because of course with DCM, s report is very much focused on Facebook necessarily. So well all the forms shouldn't necessarily be restricted to documentation of Facebook because that assumes certain level of openness that might not be there in the future.

Speaker 3: (06:42)

Um,

Bethany Shiner: (06:48)

so, um, just in terms of the law is about, um, more broadly, obviously it's there, um, to set limits or also it's that to protect the conditions in which democratic debate can flourish and, um, it's that protects individual, um, agency. And so of course free speech is a really big part of that. And, um, the high court recently, um, quashed the summons against and Polished Johnson, which is perhaps a reflection of the high level protection for this to free speech. And I'm just concerned that some of the potent forms put a lot of the, um, burden on the intermediaries. Um, so for example, the digital, um, bank of em, so the, the um, digital imprints, um, cause that we have there that would host all of the adverts. It's unclear who would be the smiles for that, what the suggestions from the electoral, um, cushion seems to be that intermediaries who would be responsible for placing all of those adverts.

Bethany Shiner: (08:06)

Um, and there's just issues about putting too much of an emphasis and too much responsibility upon the intermediaries, um, who are not inclined to promote, to employ expensive human moderators to try and determine what, what counts as campaign material. Is there an adequate imprint here and then categorize it as being compliant or not. And so there's a chance that they wouldn't say, you know, use algorithms, which again raises a whole host of issues. Um, particularly when we have algorithms being used to determine whether or not political material is a breach of the law or not. Especially if there are sanctions attached to any failure to comply with the critical requirements or any of the requirements that we might decide to build in. Um, also these issues in the same vein regarding, um, Facebook's, you know, the potential removal of political material online. So if you do have an imprint requirement for digital material, and if a repeated failure not to include an imprint missiles in, um, that all of that material were being taken down as far as it's possible under the table goes by war.

Bethany Shiner: [\(09:35\)](#)

Um, can that be appealed? And what, what type of, um, um, a better see what we're going to see is that for, for the campaign groups affected by that too, uh, have that decision reviewed. So for example, in the Irish, the appeal, the eighth amendment referendum prior to the election, uh, diverse material taken down because this, the funds [inaudible] said to be from outside of Ireland, which is a fair decision. Perhaps thought it was taken late in the day. It was, it wasn't transparent, it wasn't consistent. So just thinking about going forwards, um, um, the campaign groups clearly disadvantaged, um, um, it's not in the vehicle in the same way. The other administrative decisions are beautiful. So that's just some initial issues that I just wanted to, um, to raise on. Did that. Wonderful. Thank you very much. Thank you.

Will Moy: [\(10:41\)](#)

I'll try to do a quick counter across the territory and then you can decide where you want to spend your time. Um, two things you should know before I begin. First step full fact is a charity with a cross party board of trustees. So we come at this from the point of view of trying to ensure informed public debate. Um, and not with any point of view about what the outcomes of that debate should look like. WThe other thing is that we've received funding from both Google and Facebook. Um, so in talking about the role of the Internet companies here, you might want to know that we've also been publicly very critical of the role of both Facebook and Google. And I think having their money and biting the hand that feeds us gives us quite a good platform for that. Um, but I'm happy to talk more about any aspects with those.

Will Moy: [\(11:22\)](#)

We published a report last year called tackling misinformation in an open society, subtitled what to do when VQ and might be worse than the disease. Um, we are very aware that any talk about, uh, increasing government action and action rules, um, in online public debate generally is a very risky area. Um, protecting the ability of citizens to have free conversations has to be our starting point. Um, particularly at a time when we know that election campaigns are not the main determinants of your vote actually the main determinants of your vote is what, where you are when the campaign starts. So when we're looking at the future of protecting our democracy from interference - its very hard to imagine that it's just for six weeks before the vote that you need to be talking about. We probably need to be talking about the whole time and that increases the risks of these conversations.

Will Moy: [\(12:19\)](#)

In tackling this, tackling this information in an open society, we identify two things that we thought can and should be done urgently. Um, this was last year. They have not been done and they are more urgent than ever. The first is extending the imprint rule online. That's well covered. The Cabinet Office is now more or less in a space where they're willing to do it, but they do need more political impetus to actually get on and do it. Um, the second is advertising transparency. Um, I'll probably go into that in more depth at some point, but you probably know that the Internet companies are making moves to establish a transparency of online advertising. The Internet companies I am referring to being Facebook and Google creating data bases of online political advertising. They are doing this in order to set the terms of what those databases contain. Um, and the transparency in their offering is completely inadequate.

Will Moy: ([13:13](#))

What we need is complete transparency of the content of advertising, the targeting of advertising, the amount of spend and the amount of reach. And if you don't have all four of those ingredients, you don't have meaningful transparency. That all needs to be available in machine readable format so that computers can monitor it automatically. The reason why is that in the u s election last time, according to an internal Facebook paper lead to Bloomberg, Donald Trump's campaign ran 5.9 million different adverts. If we are generating advertising at computer speed, we have to be able to manage accountability at computer speed too. We can either ban the kind of advertising that is normal now or in a political context that's completely legitimate. We banned TV political advertising for years, but we either do that or we have to accept that we have to have machine readable computer powered accountability for computer generated advertising.

Will Moy: ([14:15](#))

Um, so machine-readable full transparency of advertising content targeting recounts, Plan. The targeting is the targeting of a spend of a to where the Internet companies are most keen to avoid proper transparency. Obviously the spenders, their business model, if you read their regulatory filings, they both say explicitly -most of them say that we substantially, all of our revenue comes from advertising is for quote, these are advertising businesses. They don't want to let on their prices, they don't want to let on that auction models. On targeting similarly, if you knew the way election ads were targeted, you wouldn't be horrified, truly horrified and I mean you all know your own campaign some of what can be done. If you think about scaling that up to 5.9 million adverts and if you think about the inevitability of us election tactics being learned by UK campaigners, it's getting narrow, is getting more targeted, is getting automatically tested and refined.

Will Moy: ([15:07](#))

This is a space which desperately needs more transparency and mainly direct intervention as to what is and is not allowed. That's obviously a decision of principle and therefore not really for us but it's certainly a reasonable question to be asking. So those are the two immediate moves that must be made. A Trans um, transparency campaign, which was a digital imprint rule and transparency of advertising properly and not the half-baked version that the internet companies wants to do. There's a third thing we are getting very good at talking about the whack-a-mole version of protecting democracy from uh, interference, um, both potentially by domestic actors and by hostile state actors. We have to think about a world in which everybody is exposed to thousands of different sources of information and it is almost impossible to reasonably judge where you can and cannot place your faith. In that world we need to accept that there is greater fog around information than there used to be in a world where everybody watched the BBC nine and 10 o'clock news and there were 4 TV channels and 10 newspapers and that was about it when it came to reaching millions of people. In this world, you can reach millions of people without the other millions of the electorate even knowing you're doing it. And thousands, if not tens of thousands of sources can reach very large numbers of voters. And when you take that down to the individual constituency, you don't have to reach very large numbers of voters to be influential. In that context of information fog, we need brighter beacons to cut through. We need to be providing reliable information that people feel able to trust. In that context, it is perverse that the purdah rules around elections insist that our public information bodies like the Office for National Statistics, the House of Commons Library, uh, the Office for budget responsibility, far from being out there informing the voters who pay for them, are told to sit down and shut up. I mean that is essentially self harm at this point. We have these resources, they are available to us and we're asking them not to inform our elections. I find that extraordinary. That is a very simple change that should be made. So those are the, if you like the easy wins on transparency, the harder winds are on spending. Um, now that you can run a national advertising campaign, which is in fact you had radically targeted and it doesn't have to be explicitly geographically targeted to be geographically targeted. To take a horrible cliché, and I do apologize if you target people who drink own brew and your advertising, you are probably more likely to get more of a Scottish audience than an English audience. You don't have to target children fee to get geographical audience and advertising companies make their fortunes understanding these linkages.

Will Moy: ([17:54](#))

Um, so how do you understand where spend goes in this modern world? That's a real question about transparency. Our current campaign, uh, transparency and

accountability system is all based on spend and it's based on the split between national and constituency spending. That essentially does not seem to me to be very tangible anymore. The distinction is obviously important but how you maintain that seriously I think is a question that needs more thought from people like yourself with experience with actually running election campaigns. The other area of transparency which is difficult is coordination. We've obviously seen high profile examples of this being disputed as to what coordination has existed between different campaigns, between campaigns and overseas access and so on. Those suspicions are going to grow and grow and grow with every public vote we have. There is no meaningful way that we can maintain the law that has existed in this country for most of a hundred years, the lord haw-haw rule that you cannot broadcast from outside the UK with an intent to influence the UK election. That is over now in the age of Youtube.

Will Moy: ([19:03](#))

And we have to think therefore what transparency can we have about interactions between UK campaigners and overseas actors and what accountability can we introduce? And that brings us onto the second strand I was asked to talk about which is deterrence, which is by far the hardest in some ways I don't see, and I am now not saying full facts position - I'm just - you know, one of our roles is to inform a conversation that you need to have. To me, I'm struggling to see a route that doesn't involve greater levels of individual accountability factions during election campaigns. It's one thing to have a transparency and regulatory system like the electoral commission. But if the question is how have you gone to a foreign oligarch and asked them to bankroll your campaign when the law says you shouldn't, I'm not sure where accountability can sit except at the individual level there.

Will Moy: ([19:56](#))

So I think there are really hard questions as to what deterrence and accountability and liability look like given the nature of the threats that are going to be growing in parts of the system. And then finally, uh, the third strand I was also talking about was monitoring. And this is where I think we have an easier answer. Sections five and six of the political parties elections referendum act already mandate the electoral permission to report on every election that happens and to maintain a watching brief and to report when it wants to on a whole list of topics including anything to do with elections that it wants to do a report on. One of the things explicitly in that list in section six is, um, digital advertising and political advertising. The electoral commission hasn't done this because the electoral commission is staffed of resources. It doesn't have the time or the expertise to engage in those questions seriously. I would have thought one of the simpler wins that would be available is to allocate a pot of money to the electoral

commission to create the team that would be doing this kind of insight work because, with great respect to myself and our fellow panelists, you shouldn't just be relying on us. There should be a much greater body of work and much greater body of evidence, a much greater source of analysis that we can all lean on and the electoral commission has a statutory responsibility to do that but not the funding. Part of increasing that funding must be that they get a tech team that is meaningful, that actually works in the 21st century. The recommendation that this group is pondering about reporting campaign spending online should be a statement of the obvious.

Will Moy: ([21:33](#))

Of course we should be doing that. Of course we should be doing it in something very close to real time. Of course we should be doing that in high resolution detail. That's just the 21st century. The fact that the electoral commission is so far off the mark technology wise, the fact that our entire election system is so far off the mark, that we don't have a sensible accumulation of election results, of election spending, of election candidates in one place as open data is astonishing and it's the result of, well, a couple of decades of neglect essentially. We just need to fund that stuff. It's not difficult to do. And in fact some of it is now being done by charities and volunteers, but it shouldn't have to be, it should be baked into a system. So that's the high level view. Um, and the quick view, oh, just wanted to expand very quickly on advertising.

Will Moy: ([22:19](#))

I think the, you know, you've all run election campaigns and you will know how this is changing, but I don't think the extent of the change is very obvious to most people and I think it needs a lot of education. We are not talking when we're talking about digital advertising, about billboards that everybody sees. We're talking about you go to a website and an auction happens immediately where people use data from your computer, data from your past, browsing history data from the social media network and data from other brokers that they might be able to get hold of labor credit networks to automatically design and deliver an envelope that is personalized to you. And then they crack what else you interact with and they might deliver a second followup app three days later, which is related to that. This the collective term for this dynamic content optimization, and it is a totally different understanding of advertising, than you stick an ad in a newspaper or a billboard. Your side can see it, their side can see it and everybody can have an argument about it. That's an election. That's an open democracy. That's what we want. You can argue about the money side, but these closed ads, these dark ads that the other side can't see and respond to for nobody can scrutinize the fact checkers are locked out of, they are a real threat. So the idea of an

election must be a shared experience for it to be a democratic experience. So that's my starting for.

Will Moy: [\(23:46\)](#)

Thank you very much. Really, really interesting for me. Very. Thank you very much. I'd like to kick off with a weird question and then hand it over to you, to yourself, just me on, on this, um, the point you made about digital imprint back and, uh, the burden of responsibility being placed on him, the intermediaries by which I guess you mean the platforms, so Facebook, Twitter, Google, um, and that they're not inclined to employ human beings to, uh, to regulate that bank. What, is that something they've said explicitly or do you think that, that, that's still up for grabs in terms of forcing them to, uh, to do that? Or actually, is there also an broader question of principle, which is, should they be doing it or should that be left? Should that be given to the electoral commission as a function?

Bethany Shiner: [\(24:45\)](#)

Well, um, they, I mean, in Germany's example, they have the, the, the hates, um, the hate crime law, um, per se. Yeah. And the M Facebook employees, most people in Germany that as a consequence of that local cause it has such a heavy sanction. I'm not going into the the merits of the law individually. So it's possible that they would employ human moderators but, um, indication so far, um, suggests that they would obviously much prefer to automate it. And um, a lot of, there's more regulation, these types of things that all are automated. Um, and if you want to read a bit more [inaudible] you can, if you look at the UN special reparative freedom of expression, David Kane, he's written quite extensively about the providence and the risks associated with you single to make sure to um, monitor and regulate political speech. Um, because in any attempts to regulate political speech from, there's a division between lawful content and own more for content that is such a high risk that lawful content will be swept into that matter as far alongside some before content.

Bethany Shiner: [\(26:00\)](#)

So that's the primary, um, concerned with it. It doesn't necessarily arise. It depends on what the rules are and what the requirements are with regards to this imprint sort of requirement. and I know that the, um, cut this consultation at the moment and there's been no response to the protecting the debates, um, from the government and they said that the work count the technicalities of this policy, but it's just something to be being lazy, really careful about. Um, and also needs to be clear about what content would actually fall in to that increased requirement. Is it paid for content, not paid for content? There's so much content which is organic. Um, is it grass roots content that obviously is

half the size of Grenfell tower for example. That's a grassroots movement, but he's, you know, explicitly politicized issue because housing has become a bit of size issue. Um, so just, just those types of examples make it clear that it's actually a bit more complicated and depends on where the lines are drawn.

Bethany Shiner: ([27:04](#))

Um, uh, certainly this, um, I suppose this question, or at least this merit in thinking about both or not market targeted efforts should be bounced completely online. Um, so you're not content, not, um, not just, just only market targeted content. So at the moment Microsoft [inaudible], there's nothing will move forward with them. The unlawfulness arises when they infringe. Um, direct marketing, um, regulations and data protection regulations in my analysis, the, the primary consent data protection. So micro-targeting often violates data protection law in several ways. Um, but that doesn't mean that this fundamentally, um, anything wrong with them outside of those issues. So, but the, the does not be the in consideration of whether or not you still want [inaudible] in school too. Um, and I think it's worth just thinking about that even if it's little dark. Um, um, you will think no for these reasons actually we want to maintain this form of pre school communication. And then you asked me something else, I forgot some what it is.

Will Moy: ([28:22](#))

Uh, no, no, I think that was it really. It was just about more specifically about what the responsibility of the platform should be. Um, and the extent to which that should be with the electoral commission or whether it should be there.

Bethany Shiner: ([28:35](#))

Yeah. Maybe we say actual commission, they've said that they're not what, um, some kind of truth and quietly, but she's fair enough because, um, the issues here isn't the content necessarily constitutes of material. Um, cause once we get into content and it's very, very enticing to focus our attention on the content of materials, but I think that initially at least we should really be focusing, focusing on the mechanisms of um, communication that skews debate or um, shares disinformation on this automated way. So the trial calms the box over methods of amplification. So it's the method of the communication that the content, um, did that shore commission could, um, could be a position to regulate the methods of communication without having to engage in the truthfulness of the content itself. Well, um, a lot of the electoral commissions were formed so far are just small tweaks to what is an archaic system and not at all.

Bethany Shiner: ([29:52](#))

Um, um, yes, some of that it may be down to resources. I don't know if it's also down to, you know, the attitudes or whether the disease to be complete shakeup. And we just really need to accept that our whole approach to elections has changed. And that goes back to the building in the principles and the values of integrity within our election. Um, not just in terms of governance and parliament session and so forth, but in terms of the information that we're receiving and the ways in which people make decisions, um, the information they're relying on to make those decisions. Um, and the way that the representatives communicate, um, in a communication between elected representatives and those big represents represented has to be, you know, open, honest, transparent that, that, that and that can sort of integrity has to come through. So, um, I think the electoral commission itself probably needs a bit of a reform, not just the laws that is meant to be monitoring it and enforcing. Yeah. Yeah.

Will Moy: ([30:59](#))

And I mean, as you pointed out, fine point. Knowing media adverts views by Trump, how, and you sort of said, well that would probably, that presents for the choice between either banning the use of these adverts at all because it's such, the volume is such that it's impossible to regulate for, to make it machine readable and to have digital regulation capability. Which, which of those two options would you favor?

Will Moy: ([31:34](#))

Well, she finally intervened. I think we've got this problem now than the past and now you've got the transparency confer plays two sides to the same coin via elections. And in the past, in the old days you could see fairplay and transparency because someone puts a leaf for that same photo for Stephen connecting in his constituency, a photo labor in this constituency and accounts against the limit and the live it now might be a clock and say 50,000 pounds or something like that. What's changed is you are very eloquently describing is that while that is all transparent, what's not transplanted, the sake of argument, 200,000 pounds worth of Facebook adverts talk to people with post codes in your constituency. So once your party, say for example, the Conservative Party wants to say, you've got to stop Jamie Coughlin becoming prime minister, you must vote conservative. And it doesn't actually put the name of the Conservative Party candidate into the advert.

Will Moy: ([32:31](#))

It doesn't need to, but it can see you must have been conservative to stop him from becoming prime minister and it can do to 2000 pounds with a f that measure 5,000 pounds worth of adverts into one constituency and it doesn't count against the limit. So I think the way to try to get the transparency and the first play is we need to be able to

say that if you're using data in this way, this, I think it is a neater solution than I, the two things you were proposing that actually if a party spends money on targeted advertising, which we mean Google or Facebook in a constituency using data belonging to individual voters within their constituency based on the post code, it must count against the limit of expenditure within that constituency because all the expensive limits are completely negated at the minute. There will be an attempt by the Conservatives to put forward the Craig McKinley.

Will Moy: (33:26)

I'm calling a bill Craig McKinleyville, his Conservative Party campaign headquarters person, but you did get prosecuted and would have gone to jail, but for the ill health, for her husband, for Conservative Party national expenditure, uh, supposedly in the fan of south constituency to get Craig [inaudible], Craig McKinley elected rather than Nigel Farage. And they were caught out of actually doing what should have been constituents expenditure and call it a national expenditure. But actually the fact that this was going on in hundreds of seats didn't touch you get 10 minutes tanks from the police. Cause they said, well, you know, okay they're doing these Facebook adverts, but that's all national expenditure. And the electoral commissioners say, well actually the 2000 legislation political parties election through a friend of the actually allows them to do national expenditure. And if it's national expenditure up to the 20 million limits for a party standing 600 candidates, you can theoretically spend 20 million in one seat if you want.

Will Moy: (34:20)

So the whole principle of being more than buying the election, the purpose of the 1883 legislation to say you can't buy a seat and [inaudible] has all gone because it was social media advertisers. And the way in which I think to regulate it properly and make it transparent is to say if you are doing children, all the parties do the parties narrow. Basically using the Ellipta register across all of Scotland or across all of good Britain or in Northern Ireland. They're basically getting all of that data and they're getting from Expedia, whatever we used to get from returning officers in Indian Wells, it's 405 battalion officers. We used to get it from all of them and then arguing [inaudible] but now actually we realizing that people like speed, you do this anyway cause that's what they're doing for credit card companies because credit card companies won't be able to verify the address.

Will Moy: (35:08)

So if experience, I've acquired the 400 sets of where just as fitting in the whales, you might as well go for experience and get it from them. You get it from them and it's postcode linked. So you know, for example, if you're in sw nine you're in the box, all

constituency. So actually if you want to say, so the your log in, did you want to get Keto way out? You can do 2000 pounds worth of adverts and to estimate you nine swa tested before whatever it is, and there's no limit on that. So I think the best way of regulating cattail is to say the law must be clear and I think it's good clients, a change in the law to the 2002 selections where Phantom Act, I've talked to the commission about this, they say great. In principle, if you're having a limited and considered to expenditure a targeted expenditure, whether it's direct mail, telephone calls, or social media advertising should be within the contingency limit.

Will Moy: (36:01)

But the saying that the 2000 legislation allows this concept of party spending. So providing the advice that goes out to your constituents. He doesn't say don't vote for Steve and connect or do red for Steven Kennedy. It's appropriate to the design label of a consensual vote. [inaudible] for these reasons and you bust the whole limit. So I think one of the clearest things we ought to try and do to regulate this is, so that sort of tied to expenditure must be the consensus limit, but that will deliver to commission. Lawyers at least say the climate change legislation. I'm not so convinced it doesn't quite change the legislation because I think if I spend money running a campaign to try and get Stephen King, the Cagney's constituency, the fact that I don't put the name of my Arctic Canada knowledge shouldn't really mean it doesn't count against expenditure. That's the code. Yeah. Yeah. But that is how the electoral commission on interpreting on thirdly legal advice, the 2000 legislation at the minute, which led a massive loophole and the entire system.

Will Moy: (36:58)

Hmm. Would you agree with that? Do you think so? Well, I think if you look at the set of leavers you have, one of them is about what kinds of appetising are available. Um, banning TV advertising decision that was taken decades ago. It's almost over now. Online video is a free for all and there's no reason to think about online videos less influential than television. Um, and actually even on the numbers now, no reason to think that, um, one is about campaign spending. I agree with most of what all ran outset. Um, with, uh, two caveats. I think one is that, uh, attributes, the effects of adverse to geography is more than about targeting atrophy. Um, if you advertise to fans that would lead to an FC, you get people who live in Luton. Um, so there are plenty of ways to work around, um, a strict geographical, um, basis for, uh, tracking campaigns.

Will Moy: (37:56)

Oh, that's your arm [inaudible] yeah, exactly. How do you, how do you regulate that? I don't know. This is really hard. I mean, parties will do that. I mean I get lots of stuff

advertising most salar t-shirts because I will have like some things on Facebook. I'd look for football club, my team. So yes, you can do things like that. And actually I'm in the Gong geographic group because you know, I live in Eastborne or in London. I don't have a vote in Liverpool but they can target me in that way. But I can tell you that all the political parties and I think possibly the s and p were Copass in leading the world. Some of this in terms of data management, let's to actually say that all build up this data and then they will, they will all live the data to constituencies because, um, the Lib Dems probably won't waste our money in your constituency, but we might've been dominant in Richmond Park.

Will Moy: [\(38:47\)](#)

So actually we were not wanting to target, um, say loophole supporters living in London or in Eastborne we will want the postcode and it is by the political parties or match the electoral register. So this is what Cambridge Analytical doing very cleverly for the leave campaigners matching electric registered data. So you actually matched up with voters cause cause a lot of people, there's another issue who are honoring their register but should be, but they're not interested in them because they haven't got a vote cause they're not on the register. And you only want to go in an election for the module seats now. So actually, even though you might see in target earned group or LFC supporters, the parties do postcodes. So my view is that commission should be able to police assist them and which parties are limited in their expenditure in specific constituencies. And if they say, well actually we don't keep a record, this is what probably UKIP would do if we don't keep a record of which constituency we're genuinely going for Luton town supporters. Well we'll say you must have a record of which voted, you're talking with seeds and this must be limited. And it is a nonsense. He was in 15,000 pounds saying, you know, vote for the wonderful MP or get the NP out. We want to change, but there's no limit. Hundreds of thousands of pounds can be spent on social media advertising. It should all be limited, but there's an interest and it could be policed.

Will Moy: [\(40:12\)](#)

There's an interesting addition you could make to the transparency about advertising there which is to say that the campaign has to give a reason for for targeting choice it and that it would be an offense to um, dishonestly, give a reason for the targeting choice, which would do something to create a harder link between those constituency level choices and what is done right.

Will Moy: [\(40:35\)](#)

It is all after the election audiences. And what else was trying to stop abuse during it if you can. And I would say if a expenditure has to be targeted in such a way as it's

transparent, this is the cumulative transparency. It's got to be transparent as to which consumer two goes to. So the arguments and what are seats in the 2015 German election where you could send 200 young conservatives and coaches to a constituency or with a script saying, vote conservative in this constituency and you obviously only do it and the consistencies you interested in, you didn't get too into doing conservatives in your seat, but the Vince cable, they didn't tricking them. But this was, oh, this is the national campaign. We weren't interested in Vince cable and tricking them. We were only campaign with the Conservative Party. But why did the coaches send 200 young conservatives that took some kids [inaudible] and another leaflets or put them in premiere ins and travel lodges and equivalent and all given free meals and beer, et cetera.

Will Moy: ([41:31](#))

Big expenditure but not on the constituency. So I think just get transparency into back into the system, which is what Gladston said. We had to have an 1873 to repeat yourself. We have to go back to the level of which this national campaigning, if it's targeted for a seat, that's clearly constituency expenditure. If perhaps you do an advert, say in the Scotsman, you might say, well actually that's covering all of Scotland. So actually it's not a particular state or the my child go down with the scholars have small edge and grow the herald traditional is more, ideally I'd worry less about something like that. But I would say if there's a link between the consumer's identifiable, and actually I think it applies to phone calls and phone banks and applies to direct mayor here in the last or willing to certainly 2015 journal auction. Uh, David Cameron and Samantha Cameron were writing two days apart to people in marginal seats. Now they weren't from across the whole country, so have a conservative, but I know people in the bathroom, you see the letter from Samantha Cameron say, you know, they've got one from David County two days earlier. Then they got a letter from Samantha camera saying, you need to vote conservative in this seat because my husband has got to win this seat to be prime minister and stop the liberals to the SNP. And the lame, the ganging up on US [inaudible] campaign had about 1 million letters and I knew him personally. I was charged to [inaudible] from memory. [inaudible]

Will Moy: ([42:59](#))

mentioned the candidates and then I tried to get it as national expenditure. Yeah. In 2017 the electric commission, I think with very foolishly advice, you could mention the name of the constituency. So like in 2017 people were saying in tricking the news, I've now got them to change their own guidelines. That is not published yet, but they'd guidance will say, if you mentioned the name of the constituency, it must be attributed. But my view is if you say you must vote conservative and you need to vote conservative

for these reasons or whatever, but it's targeted to a constituency as opposed to the whole country. And then I think the whole Daily Mail is probably a national conservative party ad in elections. But it's a bit hard to say our mayor and should be probably don't have too many of them. And you also, you said, well no, absolutely loads of people read the daily [inaudible] and I come from, they don't get the sun for obvious reasons. [inaudible]

Will Moy: ([43:53](#))

and actually that's one good thing about low problem perhaps where Liverpool voted with mailing because we don't have the son who little call it, you know, boycotted. But I think it's impossible to try and say national newspapers like that should count in constituencies. I think it does raise social media, the rest die mail and telephone calls from phone backlinks, because if you're bringing someone, you do not ring every voter across different little 45 million UK electors, so the low party wins. We don't try to own the 53 million votes about Scotland, something like that. It's five total five point points you do in 5.3 million doesn't make sense. Listen, we need do that, but you will

Will Moy: ([44:32](#))

ruin all the people you do to get emotional seats, so if you're going to fill the marginal seats, that should count [inaudible]. Yeah, and all of our campaigns stay where the liberals are there adequate, be transparent about it. Then some billionaire from Russia or America just stones to spend money on a particular issue. Let's talk about opportunity particular issue with this question. Where do you feel on one side of the debate and let's make it much more prominent here in the Alexian campaign? Anyone can do that. There's absolutely nothing stopped them doing it and it will have effects on elections. The thing about online campaigning is it's a fact thing about election campaigns in general is where they have marginal the facts. They don't fundamentally change voters opinions usually. But there are many marginal constituencies which swing on marginal facts. If you can depress or increase turnout among a particular group, which is a completely plausible communications go, um, then you can merely try to have an effect on election. You can do this for political ends, you can do it for financial ads. You can do it to get an MP you would like to see in the house or out of the house, in all out. You can do it because it will move markets in a way that you can exploit. There are an awful lot of incentives for people outside of the UK to have skin in the game. That's just going to be the new normal now from now on. Bethany wants to come here.

Bethany Shiner: ([45:59](#))

Yeah. In response to that. Um, there was quiet minutes, um, currently from Facebook to um, you know, um, prove your eye location for example, before you can, um, have paid

for advertisements in relation to specific speak, easy to, to change that. Um, so having, you know, do you can change your IP address in with VPN. Okay,

Will Moy: [\(46:25\)](#)

no, nine to two do political advertising on Facebook. Now you literally have to send them a copy of your passport. I know, because I'm literally doing the payments so the full fat can run ads. It's an absolute pain in the that and I went, okay,

Bethany Shiner: [\(46:37\)](#)

who has session? Who has to send the passport? Is it everybody who's an Admin on the account? But potentially could still be ways around that.

Will Moy: [\(46:49\)](#)

Yeah, you could buy people in the UK to do that for you, but that's the point of which law can fill the gap if you just honestly represent yourself with something in order to influence little action that that could very easily be Alexis offense even. Yeah.

Bethany Shiner: [\(47:02\)](#)

Yeah. Well, currently the reason that that requirement, what I'm saying is the coping mechanisms by which we truck we're trying to exclude from an interference is through those platforms. So all I'm saying is that this, this [inaudible] and that yeah. [inaudible] you have to do something and leave it to, to the platforms. Yeah. Um, um, and then, um, the um, an action and local watch

Will Moy: [\(47:33\)](#)

it, this was about targeting first of carbs and national and local campaigning. Okay.

Will Moy: [\(47:41\)](#)

Yeah. I just wanted to come back. You were talking about enticing though it is to focus on the content of that, um, digital advertising, political advertising. But you said we should be focusing on the methods of communication more such as troll farms and bots and I'm just, how do we get round that? I mean if there's someone in, I don't know Kombu or something set up and big trove, um, uh, what do you call them? A troll farm or what foul do we get around that?

Will Moy: [\(48:11\)](#)

There are essentially a few different ways you can amplify messages online. One is by paying for it. That's your advertising. That's the conversation we've been having so far. Yeah. One is through automation. That's the bots and bots that, um, potentially pretend

to be human beings, potentially can have been set up several years ago who had been mocking up the appearance of real human activity online and are there to selectively amplify certain messages. One is a troll farm which is essentially paid groups of human beings, uh, acting online in coordinated ways. The fourth is volunteers. Um, so actually something like significant online campaign interventions start as groups of likeminded people, not on Facebook or other high profile Internet sites, but on more marginalized forums collectively planning to intervene in the campaign by making something go viral by making a particular topic takeoff. So four Chan is the most famous example of assault policy.

Will Moy: ([49:18](#))

Officer Becky was in the corner who probably knows more about this. The Mesa, please jump in if may be good. So a four channel is a community online, which is named for its essentially vicious, um, misogynistic. Um, what is it for? How to just for Channel Four, for number four, followed by c h a m. Um, it is a sort of nihilistic community of people who get their kicks out of I'm mucking around with things essentially. And um, they, that has been the, uh, ground in which, um, election if attempts to influence elections have come out of that where people agree here is a line that we will all push and Erica told you need to push it out, here are some ready made means and off you go. And that is capable of sniper moving from fortune on to um, Clo, straight off Twitter trend on Twitter.

Will Moy: ([50:16](#))

That couldn't happen very easily right into the mainstream media. Maybe that's a very easy line to draw in. There are case studies of that happening. Exactly. Well that's just a group of people on a point of view are hijacking the agenda in a way that wouldn't have been possible in the era when the political parties dominated campaigns. Behind that kind of thing, sometimes you get hostile state actors trying to instigate that kind of action and that kind of collective action or to simulate that kind of collective action. So that's the kind of range of,

Will Moy: ([50:49](#))

but uh, do you have any ideas or recommendations for how that space could be

Will Moy: ([50:53](#))

regulated more effectively? Well, actually I think you just sort of have to live with that. That's free speech. That was individual citizens doing, yeah. They liked you in the election. So you might want to talk about what happens when groups of people come ordinate during the election to influence all action. That's what a political party is. Yeah.

And it's reasonable to think that a coordinated effort to influence all action is something about which there might be rules. Um, but if it's just a group of people agreeing on something and all saying it and it's all for the police to Watson elections meant to be,

Will Moy: ([51:28](#))

hmm. Shooting the box side is something you could because yeah, you could, you know, regular that and say, well this should be, this should be about human beings. Yeah.

Bethany Shiner: ([51:37](#))

You can, you can. Um, bots can be detected of thoughts, examples of thoughts with Internet institute. Um, they do a lot of research on, on bottom line. Um, um, I do think that there is, um, you know, there's a malign issue there that it's not people necessarily, um, cause one problem is that people would interact with something that a bot has said, thinking that it's a human. And so there's a huge element of deception. So it's not just that there's huge automated power to shape discourse and spread this information. And there's been so many examples of that, but it's also the deception of people thinking that they're engaging in a genuine, um, debate and they're actually talking to a bot based in it, a third country who's being paid for by someone with financial motives or political motives. Um, because, because our political discourse is so much more online than face to face, you know, be, have to think about, um, how we,

Will Moy: ([52:39](#))

there should be a basic minimum of that. It should be human beings interacting with each other, not

Bethany Shiner: ([52:44](#))

probably daily. Yeah,

Will Moy: ([52:46](#))

no, both [inaudible] that would be then, uh, where you'd need legislation or you'd need a, a way of cracking down on that. So you would, you, could you sort of talk about the electoral commission for example, you said they need a tech team. Yeah. Could part of that tech team be bought into this [inaudible] and some of the alternatives that institutes the research in this area as rubbish and some of the other academic research in this area of rubbish? The reason

Will Moy: ([53:13](#))

it's harder than it sounds is that if you're outside of the Internet companies, you have to try and understand who are bots by looking at their behavior. So how frequently they post, how many times they post day, for example, what kinds of things they post, who else's stuff they post. That kind of thing is all used as suggestive evidence so that things might be bots. sometimes and frequently on the front pages of newspapers, those results have generated completely wrong results. Um, and when you, uh, go and talk to the Internet companies, they will say, yeah, some of these things are true. And then some of the things are actually, they turned out to be genuine political activists or when we looked at for login details and so on, that only they have access to, they're clearly not bots. What the missing ingredient is, is that even the Internet companies don't necessarily know when, where, and who these people are or where and who their accounts are. Um, so if you are using hosted computing, cloud computing, like Amazon services or Google cloud or anything like that to run a Bot farm, what Twitter or Facebook or whoever sees is the IP addresses, the Computer IP addresses of those hosted cloud computers. They don't see anything behind that. Who is the end user controlling the power computer. So nobody has visibility of the whole chain from an individual at one end all the way through. Um, and that makes bot hunting a difficult task.

Will Moy: ([54:43](#))

Could you, could you force the, uh, the likes of Twitter to actually, as you, as you just said earlier, in order to do these adverts, you have to, you have to send in your passport. Could we, could we raise the bar significantly on what it takes to actually open a Twitter account? Yes. You can [inaudible] one way. It's called decision essentially amounts to ending anonymity online. Yeah. So that, so the big point, sorry. That's a very big point. Yeah. So you can either accept

Will Moy: ([55:12](#))

that elections will be anonymous, people talking to one another and there are massive downsides to that. Or you can say online conversation has to be identified annual close, whole online communities overnight. There are lots and lots of groups of people who would not want to talk online using their own identities. Um, and you know, I have online accounts which are not in my name. I have a publicly exposed job. I want to be able to talk to my friends without it being blindly, blindingly obvious to a journalist where you can see me talking to my friends. I suspect other people in this room probably do a similar thing. You can make that illegal incessantly within your power, but recognize what a big decision it would be.

Will Moy: ([55:58](#))

[inaudible] so despite a strong case of that for people trying to influence elections to say you end anonymity, I'm trying to think about that. How would you had to identify, how would you every vote if you're Twitter and you say, look, we've got a, we are now going to make it a obligatory for anybody that wants to open a Twitter account to send as a passport and a piece of Id with proof of address. You know, the same way you have to open a bank account example. Yeah. Now that would I think inject a huge amount more transparency into online communications back. There's, you either have, I think you probably need a one size fits all. You can't, you can't say, well if you're going to be involved in political communication, you need to send us your passport and all that, but anybody else doesn't need to because it would be impossible to, I was thinking out loud and maybe again

Will Moy: (56:45)

there are women, I'm trying to think about, you know, the abuse just Phillips has and things like that or harassment or prejudice or things like that. Twitter in my experience is very poor. People can make an obviously defamatory, obviously very hostile. I always have a Harrison comments as a, this does not offend Twitter's policy, et Cetera, and people in politics are subject to this more than I would suggest in many other areas to should be. In my view. Some way, if you open up an account with Twitter, the Twitter can know and Twitter should have a responsibility. They should. Facebook, I think nick, take Brooks who trying to deny that Facebook should be responsible for this. I actually think these organizations have a responsibility to know who is doing these things and to have some sort of public guidelines about removing or taking action or you can do a lot of things that are clearly defamatory.

Will Moy: (57:34)

You content actually is in social media was if I put a leaf as ask me your constituency, so you know terribly defamatory things about you, you didn't mean to catch it against what you can pursue. I think it's one of, if I did an election one oh six and go send tests to people's act to say I said these terrible things about Steven get to stop with being elected and uh, it had an effect on the voters and I'm, if I'm doing this as a talented it, I can be disqualified for saying things like, yes, exactly brother Phil Wallace was, you know, disqualified. There was an attempt to have Alster Carmichael disqualified on the grounds of making false statements or that hums in elections, but it costs hundreds of thousands of pounds. I think the floodwaters case actually cost [inaudible] to the ability and quit and he lost his seat. This is very expensive to do but actually it seems to be the basics of any law about libel and defamation or political interference should require knowing who is saying these things.

Will Moy: ([58:30](#))

And then first things I learned, you know, 45 years ago as an agent that you produce any leaflets you have tried to printed and published by the bottom. Now the form of words is a bit modernized. You have to say who you are doing it on behalf of not just printed and published in a way, but it's a criminal offense and the police can be after if you do some that was created by the newspaper, local and registration out until the 19th century because the newspapers suddenly became a thing for the powers that be, were concerned about the powers that gave to people who weren't powerful at that time and they didn't want the disruptions, political debate of anyone going out and being able to print a newspaper, say whatever they like and potentially be on through and call it on it. It's almost a mirror of what happened two centuries previously when the printing press was essentially invented and we licensed the printing brass and said, you cannot have one and actually get your license first. Every time communication was, we

Will Moy: ([59:22](#))

have this reaction allowing anonymous communication can first power to a wider group of people. That whole will be abused. The question you then have to go to is what price are you willing to pay in order to reduce the likelihood of that abuse and in the online era. I think that question is even harder because whilst it's quite hard to hide a printing press in your basement back in the 17th century, it's pretty easy to set up as a system that will do for same as Twitter. I can literally write it for you before the end of the day. So if you actually are determined to bypass, uh, government restrictions on online communication, realistically you are going to be able to bypass government restrictions on online communication. So there is both the free speech argument and the experience of centuries of responding to democratizing communications technology and the pragmatic argument of never passed a law that can't be unforced saying actually the question we have to face is much more around how do you build an open society which is resilient against the kind of false information that is just an unavoidable part of an open society.

Will Moy: ([01:00:38](#))

We can do things to limit it. We can do things to hold people more accountable for it, but there is no option that says switch this off. I mean Nick Clegg was trying to say this should be a regulator as possible. Consent should be regulated for good with Facebook and on, but I think very hard we get to do, I didn't see why you can't say that. If somebody says on Twitter I'm going to physically assault an NP or something like that or physically assault somebody that you should be able to get Twitter to provide the details of the person who has made that online threats. How can, as long as they're doing that, as long as it's a real person or as long as, as long as if there, if there is, uh, if

the police are investigating a potential offense, they can go to the Internet companies and get all of the details the Internet companies hold.

Will Moy: ([01:01:24](#))

In fact, even as a private [inaudible] libeled online, you can sue in the high court and required the company to hand over those details to you. That was the case recently with Mumsnet doing exactly that to enable somebody to assume so easy, not easy. I mean, I think the expensive police now have established mechanisms, but the label mechanism is obviously, you know, once you've hired a barrister to go to the high court, you're already outside of around the world. Most of us can do and so very more widely known and cheaper, cheaper boots and people to be able to do this. That's a reasonable person. What's the small claims court analog here? But it's an interesting question, but as, I'm sorry, can I just ask, there's no sort of like a middle ground with just having an independent regulator that you appeal to who deals with these requests based on statute. Right? So you don't have

Bethany Shiner: ([01:02:20](#))

to take a suit to the high court. Every time you know you report something to Facebook is harmful. They say, oh no, it's not, and that's it. Yeah. Where's the appeals body? [inaudible] for? Just say, sweater. This person's in bottoms. Twitter says, no, it's not. You say, well, I think it is and I want someone else to, I want to appeal that decision to a regulator. The regulator looks into it as opposed to every time pushing massive legislation, which also clocks the courts on what are obvious and basic matters

Will Moy: ([01:02:48](#))

to tell me what did I have a number of accounts, a Facebook full fake accounts or Facebook takes down in a month. I've seen 52 months of numbers, two a million in a month for 20 million blind me lines. Yeah. The scale of this is mind boggling and so whatever you do, there will always be some things that cross the threshold but they go to courts or whatever mechanism exists and that those mechanisms will always be more available to rich people than the rest of us. Um, but actually if we're talking about responding at Internet scale to these challenges, we are talking about letting lots of stuff go because it can't be perfectly policed. We are talking about automation and when you're talking about automation, by the way, you're talking about false positives. As Bethany said earlier, we're the world leaders in automated fact checking. We just won the Google AI social good impact challenge.

Will Moy: ([01:03:51](#))

2,600 applicants around the world. We're one of 20 winners on automated fact-checking. It's incredibly difficult and by and large the role of automation, the narrower the question, the easier it is to provide reliable answers. So if the question is, is this imagery of child sexual exploitation or not, that is a relatively narrow question that computers have got relatively good at answering quickly. If the question is is this an advert intended to influence an election or not? And that is a much broader question. You know, as we know from the history of us election law for example, humans have a million ingenious ways of making something not quite look like an election ad that actually is so you know, we need to be realistic about the role automation feasibly can play, which takes us right back to we are going to live in a messy world and what do we want to do to make us slightly more resilient? And that again, I think takes us to the question of not just what do we do to play whack-a-mole with the problems, but also how do we positively build, as Bethany said, values in to the system. How do we build the bright beacons that cut through the fog and provide reliable information? How do we reward and amplify effective methods of debate? How do we be more available for them?

Bethany Shiner: ([01:05:12](#))

What do you go from, what do you say? What's the view on that? Is that an issue of education locations? So, um, your issue is that a lot of the materials on say let's stick to Facebook even though of course it won't just be Facebook from the younger, um, it's, you know, the clickbait. So the material that attracts most clicks would be the one that's most Jeff because I'm not guessing most of the toes in there, the noon that is more likely to be negative scandal, hyperbolic material. Um, if Facebook won't reveal its algorithms, that generates that and, and, and that secure that model. Um, there are currently global conversations about whether and how we, we demand that, that kind of, um, revelation of algorithms. The eg is looking at it in certain contexts. So that problem is, I'm certification goes back to the kind of algorithmic design in my very limited technical view.

Bethany Shiner: ([01:06:20](#))

I'm just going back to some of the things that you've just been speaking last minute, few minutes or so. Um, in relation to this distinction, I remembered what I wanted to say between local and national campaigns. A lot of those issues that were being talked about, uh, picked up by, um, direct marketing roles. So campaign, there are walls on spending but in the examples that you would give in, they would be caught by data protection laws because you're not going to send that type of direct marketing to people who are already going to vote conservative. Therefore, the question is have those people who aren't already conceived voters in the example of the letter from David this

month apparently have they given consent to receive. And so that's an example of where the niece as well that needs to be reformed, more reconsideration of the relationship between the ICO and the electoral commission.

Bethany Shiner: ([01:07:20](#))

There's so much crossover and I know that the recent investigations that they've been doing into, um, um, the, the, um, Brexit reference in campaign has opened up kind of like channel of communication and they have a secured channel of communication. But that needs to be much more formalized because a lot of these issues cross over several different areas of law where area of law might not apply in one case and another area will. So yes there are issues of the um, spending limits for first and foremost is data protection implications as well. And that ics is very robust and the electoral commission needs to be just as the box is lagging so far quite and it really needs a complete reform. The virtual commission needs to just be, you know, it needs to think okay, how they've kind of, I don't

Will Moy: ([01:08:15](#))

know the extent to which they read it, they're really upset but they have acknowledged that they are not fit to purpose. Yeah. They recognize that actually to be honest, they should be a big thing like sort of off gem or something like that. And actually they're quite big compared to some of the parties but they're very small compared to the regulators of other big industries and they know they need more powers. And it's mentioned within the back on this, you know, the 20,000 pound fine is nothing. My view is their level of finding should be proportionate to the level of expenditure that the party could make an election or something. Cause actually 20,000 pounds is a lot and I did all the debates and the lords in 2001 we considered this and we went to hold firm parties will need to be fine. It was a bit nervous and 20,000 possible if you're naughty, 20,000 pounds, but we didn't know how often you need to be fine more than that.

Will Moy: ([01:09:02](#))

But actually if you seriously seriously breached the rules, try and alter the election by spending millions of pounds illegally. The fines should be millions of pounds and if you would like to spend 20 million nationally saying something in my use things like the maximum fines should be 25% of the budget permitted part expenditure or something. Um, that would be more proportional. 20,000 was is after, as you look at what off calmer doing and other people sort of finding organizations and they can find out what the EU is doing, finding Facebook 14 billion or something like that. Yeah. Um, in Europe, I think proportionate to the, uh, admitted expenditure should be small parties and smaller these

forms, not just that one form. There's a few of them that could have that. You mentioned this idea about,

Will Moy: ([01:09:57](#))

um, changing Moodle rules around pagoda. Yeah. Would that require a change in primary legislation? Swayed Helen McNamara who was the, um, tt in the Cabinet Office responsible for ethics and uh, whatever it is. Um, [inaudible] she's, when you see great. Yeah. So she writes the [inaudible] guidelines. Cabinet secretary sends them out. They're, uh, they're a purely civil service administrative document. They'd been modified recently to make it clear that individual scientists who have research funding are not being told to shut up. Um, but what I would say, what full-fat would say is we need to completely turn around I thinking and say, actually we should regard organizations like UK research and innovation for research counselors, the academic funders, the Office for national statistics that [inaudible] strategic assets. The imfs, well, the ifs is not state funded. I mean, it gets read. It's not subject to the rules. And you know, well, it's a really interesting example actually.

Will Moy: ([01:10:56](#))

The IFSC gets funding from the Economic Social Research Council, which is a government body or be arms around funds, academic research. Every time there's an election, the Economic Social Research Council says to the AFS, please take our logo off your stuff. We know that we're giving you 5 million years to your very important work, but you must have our logo on your staff during the election. Absolutely bombing. You know, nobody thinks that this is an attempt to sort of sway in the election. Everybody understands the ifs has role and its value and whether the assets C's logo is on it as Nova handle that, but in order to fulfill these ridiculous guidelines, that's what they insist on. So turn it around and say, actually, we need reliable of information during election time. We invest literally hundreds of million pounds, millions of pounds, and having that information between the research councils and the rns and others, we should be charging them with a duty to communicate what they know to the public in a strictly impartial way.

Will Moy: ([01:11:59](#))

This thing about dynamic content optimization, is that something, an area that could be regulated more effectively? And is it the, the issue there is particularly that this kind of dark ads in the sense that it's not something that your opponent can see and give a counter argument. Is that something that could be changed or is that, are you then straying back into this similarly the territory of, well, you know, that's the way the Internet works. It is much more a kind of hub and spoke model.

Will Moy: ([01:12:34](#))

No, no, not at all actually. It's, it's one of the simpler things. Um, there's a caveat to this, which is that there's a long tail of Internet platforms and advertising hosts, but the market is dominated, as we all know, by Facebook and Google. Um, until the 1990s there was consensus on what political parties or political advertising and what's covered by the advertising standards authority. And that consensus broke down, I think around the irritating Blair and demonize. But then winter a time when the asa did political advertising. Nowadays, it wouldn't have been to except for the fact that they said political advertising speak recognizably political advertising so that you couldn't, um, massive tried to do by the front page of the Daily Mail and say you must have vote conservative. Yeah. And bought adverse. And that was the only thing that they had. I didn't think they could actually regulate where if you said as in 1992, uh, voting Labor will cost you 1200 pounds.

Will Moy: ([01:13:36](#))

Really they don't do that. They couldn't touch something like that. So there is a question on two levels. One is what consensus can the political parties build that you have more shared interest and establishing trust in elections. Then you have independent interests in having tactics which you can beat each other with. I think there might be a conversation worth having about whether there is a consensus on rules of the political parties can overeat to abide by, um, in terms of how you use advertising. Um, and I think that that would be a locum signal to the public. Um, which is we will native Sabzi tell us not trust. Um,

Will Moy: ([01:14:17](#))

so can you just say the rugby, the mechanics of that then would be political parties who come together and sign a memorandum of understanding, whatever, which says we will, what, what does it say about dynamic content optimization? What am I say about this kind of, it might say we won't use it.

Will Moy: ([01:14:36](#))

It might say we will publish all the adverts we run, um, and be transparent about all of the advertising we'd run. It might say that if we're using dynamic content optimization, we will provide not only the sort of template but all of the possible variants that go into that template so that they are publicly visible. Um, and it might say we will all commit to being honest and we will appoint a third party to test us on our honesty, but I think that's probably not going to happen. Um,

Bethany Shiner: [\(01:15:07\)](#)

can I just jump in at this point? Cause this, um, proposal has forward you've been at, it's been suggested by I think two, maybe three different policies in the format of them. And though you've got other code comes up, um, the co the ICO is called for it. Um, the constitution is called for it. And um, I think the d s m and s c um, has,

Will Moy: [\(01:15:33\)](#)

do you think [inaudible] has also

Bethany Shiner: [\(01:15:38\)](#)

I'm endorsed it. The main question though is whether it would be statutory on [inaudible] and what, what it would be underpinned by and how it could be regulated, stormed focused. A memorandum of understanding might be more amenable to cross-party consensus, but then what people just, well, what is that? Who's going to check that people don't use dark efforts when we know that it's really hard. Someone's that anyway, um, if don got adverts all reported as being used by one or more political parties than one.

Will Moy: [\(01:16:13\)](#)

If you had a beat finger direct all permission and perhaps with this tech team or you had an actual standards teach, yes, you'd need the new content standards. You could do it within the c but they would, their job would then be to actually enforce the code of conduct has been agreed between the parties. Yeah,

Bethany Shiner: [\(01:16:32\)](#)

same slate. And this goes for general before employee. There needs to be processed with complaints and the pills that can be made and issued by physical parties if they're subject to decisions by electoral commission, for example, on the base of this could come to force into vigils who may have had their content removed or suspended in circumstances where they think there's a right to an appeal at moment. There isn't really any of that, but that of course requires quite a difficult conversation potentially between intermediaries on the electoral commission. But there's no reason why we can't try and have that conversation.

Will Moy: [\(01:17:06\)](#)

I'm by intermediaries you mean? Sorry. No political parties on

Will Moy: [\(01:17:10\)](#)

the platform. Yeah, they're the intermediary, so no, just that. The other thing you can found the code of conduct is how political parties can target. So you could simply say the only way you can target is based on constituency seat and you can't pick out within the constituency who you've targeted. Yeah, yeah. To see what I've done. No, no sense of past evergreen Chiquita that,

Bethany Shiner: ([01:17:30](#))

but you know, in France they've, they ban political parties from holding lists of people based on the religion, the ethnicity, the employment on employment or do those things in the UK we've been mining gold borders that information. Yeah. And then third piece of core beliefs, if that's not made explicit, but she's sensitive personal data.

Will Moy: ([01:17:54](#))

It's true. But in some of the trends I think thinking like holiday, it goes back to when did you ever in the, and they went to the RT headquarters and they had all these canvas records. Yeah. All on cards. And then you all about who was their opponents and they send more to concentration camps. Yeah. But they're not hard to go back to that now. And within the constituency parts of it always do that. I mean, if I'm running a biodex to beat a seat that's held by the conservatives, I'll talk. The most likely Labour supporters are the poorest people the googly x council has or whatever. Just say, now come off a labor conduit in potter. Always do that. But I think something about identification of advertising. Um, I just meant as an example, you know, these are that you could also limit how you target as an aspect of so long as it's declared within the constituency you live.

Will Moy: ([01:18:46](#))

This is the key principle which we resisted by some, but how much you spend in one constituency, Wolverhampton, southwest or whatever should be transparent and at the minute, 90% of it can avoid any transparency because it's declared as national spending and it's only the stuff that has the candidate's name on it, which might be 10% of the campaigns with [inaudible] campaigning there. The tip of the iceberg is the stuff that has the candidates name on, but 90% is below the water and not seen. And that in my view is in breach of all principles of fair play. Transparency as also is conscious. I think that times are here before long, we've got to have the third party expenditure rules. Now in the 2000 legislation, I argued that when they brought in this idea that you could spend 500,000 pounds, has you interested third party that would drive a coach and horse.

Will Moy: ([01:19:39](#))

The principles of fair play, but you could have several organizations all saying, but we'll all spend 500,000 yeah, I went to five guys, went to 700,000 I said, that makes it even worse. And this was what was shown to happen with a um, leave campaign giving to be that youth 700,000 pounds, which they then decide to give to Cambridge Analytica just spending the same way. Now I think the first principle on referendums ought to be that the limits have the same on both sides. It's not such an a different argument. Listen elections, the principle is they can still spend the same section. Say if we consistently for referendums and with third parties can all spend 700,000 pounds and get away with what they're doing. So I think we ought to say referendums a little to be exactly the same. And then any third part, I want to say one thing, what they can do outside of the limit has got to be so small and not coordinated that or 50,000 that would be more appropriate.

Will Moy: ([01:20:36](#))

And in elections, you can spend nothing, 500 quid in the constituency. And if you wanted to, you could set up 10 different organizations spending 500 quit. Now this all came in because Spock used to campaign constituencies and they used to try and say, nobody who supports the unborn child should vote for this candidate. And then the election law was you could spend to Fiverr and this went to the European court or whatever and it was deemed gushy. It was a restraint of being able to campaign it. And everyone thought, well, the five has got to be increased. But I think find it could actually was a bit much. But now we've got limits for people. The third party expended chip in general elections and in referendums. And I think we should reduce the third party expense. The limits be tougher on people spending things without the authority, the election agent. So you essentially question building as says, I'm going to spend a million pounds in this constituency. You want to, it is an offense to spend money in a constituency without the authority of the legislature, which it shouldn't be. Um, is the basic principle that the Tribune forced. Can

Will Moy: ([01:21:40](#))

I quickly pick up on the question of why is targeting online different from targeting within a constituency by a local political party? Because I think they are imprints for the same thing but I think qualitatively it is different when somebody can sit in London and run a national campaign or 650 separate campaigns, you know, one spotty teenager or you know, machiavellian campaign manager or whatever. Um, you know, when you're running a local campaign from 300 miles away from local, it's a very different thing. Um, in terms of using targeting than it is when you're a local constituents and seat doing what it wants to do and what online campaign, particularly online advertising is making possible is exactly that scenario. But it could just be a tiny group of people in one place,

whether that's London or Barbados who are running pointedly local, highly targeted campaigns that is qualitatively not in principle but qualitatively different.

Will Moy: ([01:22:38](#))

I think from the local campaigning that we were already used to and kind of targeting. We're already used to. And it also quickly, men mentioned animal rights defenders International, which is the lead case on, um, the extent to which is legal to ban TV advertising on politics. Um, that went right to the human rights court and they upheld for British ban on political TV advertising. But it's a very, very close decision based on essentially the margin of appreciation. So if there was a move to restrict political advertising, say online, it would be purely to get expert lawyers to weigh in on what the boundaries of when that would hit freedom of expression laws.

Will Moy: ([01:23:22](#))

Okay. That's really, really useful. Thank you so much to both of you. It's been an absolutely fascinating conversation for, I think it's been really interesting as there is some, some of these things that we can be talking about as relatively low hanging fruit that could be implemented quite quickly. But we've also, I think, um, on earth a lot of really fundamental, uh, which is not going to be sold overnight. So I'm sort of already thinking the green paper that we produced probably needs for quiet clear delineation between low hanging fruit and then a, and then fundamental, uh, ethical questions around free speech and getting a political consensus to develop about actually changing our political culture. Yes. So, um, that's been really, really, is there any, were there any final words that either you would like to just give us as we go on our merry way?

Bethany Shiner: ([01:24:16](#))

No, no, I think I've put fluid mine, my main button points I can follow up with written deafness or I've got an article.

Will Moy: ([01:24:25](#))

Yeah. Anything we did in the bathroom.

Bethany Shiner: ([01:24:28](#))

Yeah. So I can send through some of that in my article takes up on all of these points.

Will Moy: ([01:24:35](#))

Great. Yeah. Thank you so much Bethany. [inaudible] and I have one focusing on the electoral register is currently only available to political parties, um, charities that seek to

promote citizenship, um, for participation. And um, to a large extent academics can't get access to electoral register in the U S MUFG. Greater access to the electoral register who has waited and who has not been marked. Register lets us understand what kinds of interventions actually are successful in persuading people to vote or not. How do we try and turn out up? We are in a horrific place with turnout of the moment. We really need to be doing more work on that. If charities like full facts and other citizenship charities and proper academics had that access subject to ethics review and that kind of thing, we will be able to run field experiments to actually test how do we make a difference to voter turnout in different places and actually start to really study rest. So that will be a small change and would need to be carefully controlled in terms of ethical approval for any work done. But it would make a really big difference and it's completely normal in a lot of countries. Might stress obviously how people voted. A secret about whether or not people voted is crucial information for studying participation in politics. That would be great. Yeah,

Bethany Shiner: ([01:25:50](#))

for sure. It's very sad. I mean, even in the good recent European elections, when we have Brexit as a backdrop, we have the local, the lower specimen European folks turn up profitable. So you leave, you know,

Will Moy: ([01:26:04](#))

lower than some East Asian stuff. Yeah. Cause [inaudible] um, so would you be able to give us something written on that, which would be how it would actually work in practice because obviously you'd need also to be a Reggie, you'd be a need to be an accredited body to be able to do it when you started, who they would want to keep a pretty tight handle on the deterrence because that's what happened with we study you, right? They took, they got the electoral role and gave it to Alton Insurance and NASA, we don't actually know where the electoral role is. That was transferred three weeks at a year. It could be we're pursuing a lawsuit in Mississippi and because there's a lot of indications that it exists there. So the data control. So do you think there's, in Mississippi there, there, there are, there is strong evidence to suggest that lead the electoral registers given two leaves out at you as a third party campaign group.

Will Moy: ([01:27:04](#))

It was then merged with Elvin insurance data and [inaudible] and it was sent off short first to intended to be out from Scotland. But then they got a sweeter deal in Mississippi. They got several hundred thousand dollars in state aid and so then moved to there. So we're where the places I've been to Mississippi twice because of this lawsuit. You know, we sit in courtrooms and go over this stuff. Um, the ICO is backing our case on this and

they'll be the biggest ones to raise the alarm around. How easy to, I mean, you could put the electoral register on a Google drive and share it with everyone on earth with a link. Truly, you know, so that's the, sorry, the risk of the offers already very carefully with that. Of course you could just have compulsory budget. Well, [inaudible] in Belgium. I also just wanted to say thank you, particularly, um, you know, you're not going to get a lot of plaudits for doing this. And it's incredibly important and incredibly difficult. So I think pollutants from the public, not so much from our political masters.

All-Party Parliamentary Group on Electoral Campaign Transparency
Transcript of Oral Evidence
Session 4

Held on 15th July 2019 in Committee Room 18, Palace of Westminster

Attendees giving evidence: Sam Power, Lecturer in Corruption Analysis, University of Sussex; Prof Rachel Gibson, School of Social Sciences, University of Manchester; Kate Dommett, Senior Lecturer in the Public Understanding of Politics, University of Sheffield; Duncan Haynes, Policy Director, Transparency International

Attendees: Stephen Kinnock MP, Chair, APPG; Lord Tyler, Member, APPG; Kyle Taylor, Director, Fair Vote UK

Stephen: It would be great to come over to yourself to just maybe give the first few minutes of an exposé, really, of what you think are the priorities and challenges and opportunities. So the APPG was formed a few months ago now, off the back of a series of concerns that a lot of us had from the referendum. Although, I would like to emphasise that we are in no way looking to do a report specifically into the referendum, and we're not looking to make recommendations either way about the validity of the referendum result in the context of the forward that has been discovered by the actual commission – that's not in the scope of our work. What we are seeking to do is to future proof our electoral systems and the APPG on electoral campaign transparency has been formed with that purpose in mind. And we're going to focus on three main areas of work: transparency, monitoring and deterrence. On the side of transparency point, we've got a whole range of issues there, for example, the imprints on digital advertising is one example of that. Also things like how campaign spend should be allocated, national or local. Monitoring is about ensuring that we have a regulatory system that is able to keep pace with the incredibly sophisticated and rapid-moving landscape of electoral campaigning. We feel that we have analogue regulators in a digital age, and I mean that relates both to data and to the market. And then deterrents is how we ensure that we have a watchdog that actually has teeth. And that's really about what kind of fines can be metered out and also looking into the possible connections to the National Crime Agency, and ensuring that we have real disincentives and real deterrents in the system rather than just what now amounts, basically, to a slap on the wrist with rather desultory fines that we see in this context. So it is with those three objectives in mind that we are conducting an enquiry. We have received evidence from a range of absolutely outstanding experts and you will, I know, continue in that tradition. And we are hoping that in the autumn we'll be able to produce a green paper, which would be – which would contain what we hope will be tangible and implementable recommendations. Some of it will be what we might call "the lower hanging fruit," short-term things that can be done very quickly. We really do feel the need for speed in all of this because there's potential for another general election before 2022 for sure. And we will also be looking at some of the things that will take longer and are really about reforming at a more fundamental structural level, and that is more of the kind of radical reforms and ideas going forwards. I think the report will probably have short-term "easy wins" and longer-term reform, particularly around institutional capacity building and giving our

regulators the forensic capability they need to really do this job properly – that is – that's not something we can do overnight. So, sort of legislative changes and institutional changes will be two big parts of the report, I think, that we hope to produce in the autumn. So I hope that's given you an overview of where we are. Kyle, who I'm sure you know, and Fair Vote are brilliantly providing us the services of secretariat to the group, and Kyle does often chip in to these discussions, and of course others are welcome to chip in. But if I may start with each of you just giving a couple of minutes, really, on what you see as the top priorities, challenges, opportunities, then we can go into some Q&A after that. I don't mind who starts, it's completely up to you.

Sam: So I'm going to take this from a kind of a position of expertise in political party financing. So all the issues that I'm going to talk about – I'm going to try and draw some issues and then just – perhaps try and – in everything that I say, outline where there could be a solution. It might be an easy win – it might be an easy solution, or it might be a harder solution, but just try and give – go through the list essentially. On transparency, I would argue that in Great Britain we've probably got a transparency regime in reporting and disclosure requirements that is effectively kind of world-leading at this point. The disclosure in the reporting is effectively world-leading. It provides a pretty good official story of election campaigning and how people are spending money and indeed getting money at elections. However I don't think that means that it is perfect by any means. I've got sort of three examples. First a very simple one, there's currently nine categories in which political parties report their spending on the electoral commission website: advertising, campaign broadcast, manifest or referendum material, market research, media, overhead to general administration, rallies and other events, transport, and unsolicited material to electors. Now that's been the case pretty much since 2001 - or 2000 - and the introduction of the political parties elections and referendums act. And as Stephen said, er Stephen, I think there's a case in which we're dealing in analog in a digital world and indeed these categories could fairly easily be updated, I think, perhaps to take into account targeted advertising not just advertising, that's where there's a slight worry about how things are going on. There's been a recent point that can't be the case. Secondly when talking about spending online, and the way in which political parties spend money online, "The Official Story" has some gaps. So some work that me and Kate have done, suggest that we do know that about 3.1-3.2 million pounds were spent on facebook at the 2017 general election. But I think we can be pretty certain that it's considerably more than that that actually political parties are spending on facebook. To use an example, the conservative party spent something in the region of 550,000 pounds with the messina group, and the messina group did work on market research, advertising and transport, and I would suggest that some of that pot went towards either targeting or doing something in and around facebook or spending money in that way. So again with regards to kind of disclosure and spending requirements, there may be a case for companies that receive- these kinds of companies that receive significant proportions of money from political parties to do this kind of work to actually release more detailed spending returns as well so we kind of know how they're cutting the cake in a broader sense. Finally, on the transparency front, political parties are required in around August of each year to provide a yearly return inclusive of spending and donations, but, and this is what I would say is one of the easier wins or easier changes, but

within those spending returns there's not necessarily any common accounting standards or common accounting practices. **So every different party kind of releases completely different returns with completely different categories, which makes it very hard to kind of cross-reference how and why political parties are spending their - or how political parties are spending their money or getting their donations. And I don't see a reason why you couldn't have common accounting standards and practices as a requirement of releasing these returns. On to deterrence and monitoring, the kind of sanctions the electoral commission has to offer are insufficient, and I think the EC have recognised this on a number of occasions. They've sent a number of fines and sanctions imposed, they think parties see that as a cost of doing business. So I think you're quite right the EC needs more power, more resources, to effectively sanction against this kind of activity. And** covering proposal one on the written questions that you gave us, and there's no reason why that can't be the case, that perhaps unlimited fines or indeed give them greater sanctioning powers, so it's a more effective deterrent. **I think the electoral commission is also underfunded and, if we're talking about analog and digital, there's a good case for the EC to have a serious kind of digital specialist unit to more accurately reflect the current challenges that the electoral system presents. It might well be inclusive of a team that can track in real time the way that political parties are spending this money online and the way that they're spending money actually during a campaign and if possible perhaps applying sanctions there and then - rather than in a year down the line, when an elections been well under and decisions been made - and actually a fine is a fine to a political party. So whether there's actually perhaps, again, if it was possible perhaps a way in which you could actually apply sanctions and even perhaps freeze out certain types of campaigning that's happening in real time. But there's two important considerations I would argue on both deterrence/monitoring, and when we're talking about the EC. Firstly, no one likes the EC, ok? And i say that with the greatest respect for the EC but in the same way that a referee isn't the most popular person on a football pitch, and no one is cheering for the referee in a football game, they get attacked from all sides. They get attacked from the left, they get attacked from the right, they get attacked from remain they get attacked from leave. So getting any extra funding towards the EC to do this kind of thing is going to be very politically difficult. And all of this - what the EC require is more funds to do this kind of thing. So in some way we need to - its gonna be very politically difficult to do that. So when we consider these recommendations it's always worth bearing in mind that very real financial constraints the EC operate under, the very real resource constraints the EC operate under, and the political environment which means that any decision that they make ends up with them getting called to be shut down essentially for the people that don't agree with their decision.** I'll move on to the proposals and then just have sort of a final thought. Proposals all seem fine to me, essentially, yeps all round. Proposal 2, this might just be me being dense, but I couldn't see how thats functionally that much different to the system we have at the moment, but that might just be me and we can sort of think about it in other ways. **Proposal 4 is the one in many ways that's the most achievable, in the digital imprint, the most achievable thing. It's something that's pretty much recommended across the board now, and from my understand of the way that the government even talks about it, at various things that I've been at, they seem to accept that that's**

something they want to do. So yep, digital imprint, all that sort of stuff. The thing I'll just end on is to say with regards to money in politics, its kind of - this is an analogy that I always use, and any of my students of mine will know that I'm one for a really bad analogy about anything really, but this is one of my better ones I think, or its one of my best ones since its not actually mine. But money in politics is like water, right, it flows in an uncontrollable manner, so you can try and put up dams and barriers, it'll always kind of find a way through, it'll always push through various things. Eventually as legislators, you need to kind of make a decision on whether to patch up these holes that you find, or to kind of build a whole dam entirely. But I think three recent controversies have shown where the most blatant leaks in the current system are - in the current "dam" - are. **So most recently, many political parties but in the precipice the Brexit party, that got covered on this, had an option on their website to solicit 500 pounds or less. Now they solicit 500 pounds or less, because its not a donation, under my understanding of the Political parties and elections and referendums act, anything under 500 pounds doesn't count as a donation, so the usual rules don't apply. So that includes foreign money essentially. Now when this was set up, I imagine that the idea was that actually 500 pounds - physically giving someone 500£ - its very easy to track that kind of thing. But a potential solution seems to me, and another easy win, just lower the threshold for something that's considered a donation in the internet age. 50£, 25£, I don't know. So that actually then normal rules apply if practical. Secondly, Britain's Future caused consternation earlier when they were the biggest spender of ads on facebook in march the figure stood at about 340,000£ and there's little to no requirements on organizations like this or indeed individuals to declare where these funds come from outside of regulated collection periods. But we know from research that elections aren't the only time when these debates can affect real political outcomes. Just because there's not an election, it doesn't mean that this money can't have an effect. So there might well be a case to tighten up rules around third party organization and individual spending both online and offline with regards to disclosure, year round if you're spending over a certain amount of money advertising in this way. And then finally going to the local and national party spending in the conservative election expenses episode, what I would suggest is that it is the case that local and national spending limits are becoming increasingly cosmetic and I think that's across the board. However, there's utility in keeping local and national spending limits. If you got rid of the distinction between local and national, then it's very likely that parties would just focus all of their spending on very specific areas and just leave kind of whole swaths of the country - leave them completely neglected. So there's an argument to say tightening up the regulation in this area so that spending and targeting that looks local, and is considered local actually is understood as local under the law.** I'll leave it there, because I've already gone on slightly longer than five minutes, but that's my thoughts.

Stephen: Thank you very much. Very helpful and detailed.

Kate: So I'm going to focus just on transparency. My research has mainly been looking at political adverts, and looking at what political parties are doing, both at a national level but also

at a local level in terms of actually utilizing digital tools in their campaigning, and then I'm also doing a bit of work about public perceptions and how these things are actually affecting the way people are interpreting information that they're account in the digital sphere. So the distinction that I want to talk about, and I will largely leave the first one because I think sam has covered it pretty well, is I think you know - the existing electoral regulating system is set up around financial transparency, but what I want to focus on today is the importance of actually thinking about source transparency but also data transparency. There's two areas where they might be able to go beyond - what I think is actually, and I'm going to agree with Sam, a growing consensus around things like digital imprints. **You know I would just say I fully endorse all the recommendations that are there, but I would like to do is maybe look/ think about where we might want to go further than that and what some of the practical - what some of the areas that we might want to consider more could be. And I think a useful way of doing that is actually by thinking about imprints. And actually what is - what is meaningful in terms of an imprint and what data might we actually want to give individual citizens about what they're seeing online.** So ive been doing a piece of work recently which has been looking at source transparency. **So the idea as I understand it behind imprints and digital imprints is that the system should have information about the source of campaigning material which they use to navigate and understand what they're seeing. So it should be the same on and offline, I think that's widely accepted and I think there is growing consensus around that.** But I think if there is that desire to give citizens enough information about the source of an advert, then we need to think a little bit about what imprints, both in digital and non-digital, actually look like. And I think that's particularly important in a campaigning landscape in which we're seeing political parties are no longer the exclusive actor, you know, **we are seeing a large number of these third party organizations which are increasingly unrecognizable which pop up, which are transient from election to election and are subject to very, very limited oversight.** So whether that's Britain First, which Sam mentioned, or Keep Britain Afloat or MoreUnited there are hundreds of these organizations and you can find them in the Facebook ads archive which is actually quite handy for that purpose at least. So I think the problem of these third party organizations is much more acute online because it is much more easy to create and settle and design and deliver content on online mediums through things like Facebook advertiser, youtube, [unintelligible]. **It's very very easy to create content and disseminate into a very large audience with minimal know-how, as I've found through talking to activists around the country. And I think we need - I've been doing some research looking at whether badging and what - how information provided about adverts is perceived and affected by systems. We've only got the pilot results back and I've been having a look at them on the train this morning as I've been on holiday, but we - its only a pilot but we found strong evidence that the badging of an advert affects how people will interact with the content. So we had a look at people's interests in an advert, people's trust in an advert and their likelihood to click on it. And we found as you'd expect, a partisan effect, so if its badged as labour or conservative, labour and torie voters will interact with it and they'll trust it more or less depending on their affiliation. But what we found is that when an advert is badged ambiguously, from an organization that isn't recognizable easily, which there's no real obvious path (?) about**

which party it's promoting, then people are more likely to interact with it. So the strongest effects is where you see an advert from your favourite party, but then there's - the next strongest effect is where it's ambiguously badged. So there's a big advantage for campaigners to badge and to create these organizations which aren't obviously from a political party. So if you're trying to reach out to undecided voters or voters who might instinctively be put off by a political party, this can overcome some of those - the kind of queues we use to navigate information environment online. So I think it has interesting implications in terms of, well what would we need from a digital imprint to actually make it meaningful, because if a digital imprint just says - an advert from Britain First is printed and promoted by Britain First, that's not actually helping you gain any more information about that. So I think this leads to some of the points that Sam was raising about - **well we actually need more information about who is placing advertisements, where money is coming from, and what the source of that money is.** And I think the EC have existing organizations for non-party campaign organizations, but only 31 organizations have registered on that since 2014. Clearly there's a lot of more of these organizations out there. **So it suggests to me that there's a big loophole there that needs to be looked at.** And I think one obvious response that I would like to see explored and pursued is actually thinking about - do - I think every campaigning organization spending over a certain threshold should have to register and declare what they are, where the source of their money is. One idea that I've been interested in, but you know I wanted to explore further is actually **should you require non-party organizations to affiliate or declare which side of the aisle, or come out of neutral?** In a campaigning environment, it raises a lot of questions about when the campaigning environment is, how you would deal with "neutral" organizations, you'd have to have some reporting, so there's a lot of questions but you can kinda see the logic of actually if we need to provide citizens with information by which they can navigate the online information environment, then these kind of organizations that are very unrecognizable and difficult to interpret, there needs to be some kind of response then. And the other thing I wanted to raise about is about data transparency. And obviously this has become a lot more prominent in the last GDPR and individual's right to know the provenance of data, but I just don't think we've seen this play through in the political campaigning environment. **You know political parties have long gathered data, but this is a bit of a game-changer in terms of citizens having the right to know where data came from, and currently the system is not set up to show people where data came from, and especially in an area of data brokers and campaigning consultancies, I think actually the provenance of so much data that's being used in political campaigning is completely opaque. And even political parties with the best intentions could not tell you where a lot of their data comes from. I think that is a really big problem in terms of making GDPR meaningful.** Now, some of the platforms have actually made some quite useful interventions here. **Facebook, I think last week, created an additional page where you can see where the list for the data that you've been targeted on, the basis of it, come from. I think that potentially offers an interesting way forward in terms of thinking about, you know, should there be some type of requirement in terms of campaigning actors showing where the data came from? I think if they had to do that they would have to clean up the provenance of the data that**

they're using and think quite carefully about the sources there. So, I'm quite interested in platform based interventions, which is obviously difficult for legislators to compel platforms to do this, but I think its - working with political parties to make them require data provenance information to be available and to actually think through what that would mean in practice is a very important area. So, just to sum up, I fundamentally agree with all the proposals that have been made, but I think it's really important to think beyond that and I think in terms of the long term, you know the ambition for those longer objectives of actually, you know, what do the - what are these principles aiming for in the long term? I think it's important to think about the other aspects of transparency or, you know, indeed deterrence and monitoring and what that might mean in terms of thinking beyond the solutions that we've already got in place.

Stephen: Thank you very much.

Kate: You're very welcome.

Rachel: Ok so I'll go third. So - and actually in keeping with the - we talked about monitoring and moved to transparency so I'm gonna look at deterrence. And I should say from the start that I'm not a, sort of, policy expert really in terms of electoral law. So my interest in this area is more from a political organization and political behaviour perspective. And I do think on this, so on the question of deterrence, looking at it from the perspective of the person who is engaging in it in a way, and the kinds of ways in which you want to try and stop that. **I think there's two main issues within deterrence. One is the issue of detection, so I think that's a kind of a prior that you have to build in, before you deter, you have to actually detect some practices that are going on. And** then I think its deterrence, and I think there are sort of different range solutions that you could think about applying, some of them short term, immediate perhaps easy wins, some of the more medium term and then longer term as well. And I think probably on detection in terms of - if we look at it like a prior step, and again probably bring the academic in terms of: we need to take a step back and think, well what is it that we're actually wanting to deter. So mentions of illegal activity, and I'm assuming its the online illegal activity. **So we need to sort of think about a scale of activities, or some sort of stepping up, starting with activities such as posting, obviously people putting up content, people sharing that content, that has some kind of anti-democratic harmful subversive content. And beyond that I think there are sort of more coordinated, collective, orchestrated kind of approaches that are using fake actors, like bots and trolls, to try and discredit an opponent or to build your own profile artificially through astro-turfing. And I think finally perhaps if we look at it on a sort of scale of activities that we might want to deter and detect, there's sort of hacking and I guess much more sort of explicit illegal activities where organizations, institutions, records are actually - information is stolen effectively from them and then used and leaked to discredit an opponent.** So I think that it's helpful to think about what it is you're actually wanting to deter, and perhaps putting it on some sort of graded sort of scale. And I think within that, obviously there's also a question then about - what is the content or how, if you wanted to sort of then say well it's about deterring people from

posting, sharing, coordinating to distribute illegal content, again the question of what is illegal - it kinda comes back to the question about free speech as well, I mean again I think we can probably think of it on some sort of scale, with the idea that perhaps political advertising as we know it now or what you might want to call propaganda, in terms of going back in time even to the time of the - in the US we see things like the daisy girl ads in the 19 sort of 50's very early sort of examples. Through to things like the poster, the demonized poster about blacks - these are kind of sort of I suppose political advertising which is sort of at a lower level, and certainly I think that sort of would be struggling to pass over into this idea of illegal. **Then there's the sort of question of well misinformation, perhaps that's another scale up. What does that mean? Well that's sort of more talking about - it's incorrect perhaps its false, misleading, there's perhaps something credible in it and it's genuinely - somebody is sharing it, or believes in it, so there's kind of no malintent. Then there's disinformation which I think is when content is obviously deliberately false, so it's deliberately designed to mislead people into thinking something which is untrue and the person who is sending that round knows that to be untrue. And then finally, we can probably call, what I saw called malinformation, which adds another category in, but it's an idea around this idea, particularly around this question of orchestrated kind of hacking into organizations or obtaining material illegally, but it actually - the information is true, it has just been obtained unlawfully and used attack an opponent. So that's the kind of other way in which perhaps we can see this content as being illegal. So I think that we've got a sort of scale perhaps of thinking about activities, we've got a scale of levels of illegal content or false content, so I would say that probably in a way, in terms of the idea of thinking about regulating it or deterring it, the easy win, if you think about it, I'd say one and two, this idea of propaganda in political advertising and also perhaps this area of misinformation, where people are convinced by something or sharing something which is perhaps false but it's credible and it's not done with intent to mislead. Maybe it's out of scope to a certain degree, or let's prioritize where action can have most of its impact. But perhaps the area of disinformation, this idea of knowingly and falsely sharing, and malinformation, the hacking in and obtaining information illegally, those would seem to be perhaps easier actions to at least detect if not deter. So if we sort of perhaps pull those out or extract them, then the question becomes, how do we detect and deter these things? I think on this idea of this malinformation or this sort of hacking and leaking of information, I guess that's quite difficult to deter, I think you probably only find that out once it's happened. So there's this sort of post-hoc element to that where sanctions would and should be applied, aligning with probably what you've already got in criminal law and applying it to things of - I mean, theft, it's information theft, so I would imagine that there are practices and sort of statutes that would be applicable and should be applied. So I think that the area where perhaps most focus is needed at the moment, is this rather amorphous but problematic area, this area of - this disinformation. This is this idea of perhaps coordinated or individual attempts to spread false information that is deliberately designed to mislead and as I said this can be done by individuals or this can be done collectively by groups and coordinated through astro-turfing. So how would one go about - or what's the way of tackling this? I think probably the, maybe the first meet -**

short term solution or way of looking at this is probably by using AI to kind of help you tackle the problem that AI is creating. So I do think there's a role here for, I think what Sam was talking about, I mean, say like a democratic defense team. Some kind of unit that would have data science skills, would understand ways in which machine learning and computer science techniques can be used to track and trace. Because there are patterns, and there are detectable aspects of these behaviours, which ideally you could do in real time, but I think that that should be a focus of our resource. There are quite a lot of academic attempts at the moment to sort of do that, I won't talk about it here, but there are, you know, there have been ways that people have looked to try and design things like bot-ometers that are out there trying to kind of pick out when are bots active. So I think there's a kind of focus here on: you find them and you remove them, you shut them down, or you find some way of shutting down those accounts once you've discovered them. Then I think there's a second and perhaps short-medium term response which is more about rebuttal. So I think there's an important role for fact-checking organizations to play. And I think the question is : where does the responsibility of that lie in a campaign? Because obviously I think as you were saying about the EC, you know in a way everyone is going to have sort of an axe to grind, or they're going to see that their case was not properly, you know they have been discriminated against, so that would be quite difficult but I think it doesn't mean that it shouldn't be done. And I think there needs to be some way of making that independent and think about ideas for doing that, but I think some trusted service during election, where it's easy for citizens to go and find out what stories are true or untrue, and some kind of, I don't wanna say instant rebuttal, but certainly something whereby these stories are countered. I think the final step, and this is the longer term thinking about it, is more about education and thinking about digital literacy programs, thinking about how do you get people to understand and perceive what they need to look for, so Kate's work is fascinating in the sense of showing that there are ways in which people are making decisions, they're understanding what they're seeing, they're trusting it more or less, we need to know more about those kind of decisions that they're making, and help people reach those decisions better. And I think things like kind of citizen juries are very sort of popular at the moment but I do think - I saw one recently that was looking at AI and health, decision making and health, and it reached some really interesting conclusions about where people want to draw the line between accuracy of health diagnosis and speed and the use of computers and AI. And I think there's definitely a question here about freedom of speech versus catching sort of subversive messages. And I think starting with something like some kind of citizen jury would be a really interesting way of sort of approaching this question of what would work from a citizen perspective. And just more generally I fully support just to kind of add to the echo of support for the recommendations, I think they're spot on. I think the only thing I might add in is that I wonder in a way whether or not why there wouldn't be a possibility of a regular kind of review and inspection of parties' databases, because I think getting to Kate's point, I don't think necessarily parties are putting together these databases thinking: I'm gonna skirt the rules and we're going to not do what we're supposed to do, I don't know if necessarily they do understand all the data

that they have, and so they might welcome actually having some kind of scrutiny on a regular basis to keep them on the right side.

Stephen: Membership databases?

Rachel: The databases that they're using for targeting during elections, so not necessarily private membership databases, but more what they're building from combining their own records with data brokers. But I just think that that would be a really good step to finding out and helping them sort of keep them on the right side of the GDPR, so they may, as I said, welcome it. The other thing, I think, is about social media companies is, just, I think echoing the points that have been made, **I think that there should be some requirement about the sourcing of any ad that is posted, so anyone that is taking that out needs to provide X/Y/Z information that is then - people will be able to click-access see who these companies are. And then it needs to be more than just the name of - there should be more information.** So I think I'll stop there because that's probably around, I've got a couple other things I could say but I'll hand over.

Duncan: Thank you, Duncan Hames, policy director at Transparency International UK, and full disclosure I'm a former member of parliament and I'm married to a current member of parliament. So we are a worldwide corruption campaign in over a hundred countries around the world and we define corruption as the abuse of entrusted power for private gain and so we are interested in all of the interface between those who are elected to serve the public, and those who hold private interests, and so money in politics is a central theme of our work in all sorts of parts of the world. We wrote subsequent to the referendum this paper, "take back control" which is freely available on our website and which I refer you to, including a couple of case studies and analysis from the referendum itself. **We are happy to actively support three of your four recommendations, the first, the second and the fourth. The third one about transferring funds between designated campaigns, really is out with our area of interest and so we'll take a pass on that one if you like.** But, I think if I step back at this picture I think what would be really helpful for you would be to articulate your objectives. **The objective as it exists in law at the moment is not that electoral campaigns should be honest or fair ,but certainly that they should be of our society, that they shouldn't be the subject of international interference.** And that's why in terms of controls on donations to political parties, there's a bar on those who are not eligible to vote in the UK, or indeed on businesses that are not doing business in the UK funding our electoral campaigns. So there is an objective there, which is to stop foreign interference, and given the need to have a degree of cross-party consensus for any progress you might make in relation to these questions, and an objective like that which I think is still adhered to on a cross party basis, is one that might be a basis on which we can coral consensus for change. **Our concern as we've documented in this report is that I think there is something more than transparency, deterrence and monitoring that you need to address this. And its certainly controls. So our existing controls , even if they were adhered to, and enforcement wasn't an issue, our existing controls are insufficient, given**

the ingenuity with which people have sought to test the limits of PPERA and other legislation. And then, and well I'll come back to that, and then secondly in relation to monitoring, one of the reasons why the slow timescales involved in both monitoring and the subsequent enforcement are problems, is because what we really need to be able to do, subtly or otherwise, is disrupt the intervention which is cutting across what you're seeking for the way, I don't credit - electoral process should operate. Now one has to be very careful before those kind of interventions. But if monitoring is such - a journalist can write about what is really going on and that can reach a wide audience, and that can happen during the course of a campaign, so before the electoral verdict has been given - then you have a feedback loop which enables some disruption of whatever unlawful or otherwise malicious activity is that you're concerned about. At the moment, monitoring gets published across the intervals and sometime after the electoral event has passed, the opportunity to identify issues, someone earlier referred to the fraud that was identified by the EC, takes a very long time. I mean, it took the electoral commission sometime after we'd published our case study about the better for the country limited donations. And then there's the whole process of enforcement which takes even longer, and one of the panel pointed out earlier on, some of these actors that are participating in our democratic process, are here today gone tomorrow. We have legislation which is written on the assumption that the players are all political parties which were invented you know a hundred years ago or decades ago at least, who wish to have a reputation and to be taking part in the democratic process, but for decades to come. And so that's not what we see in terms of who are the actors that - there needs to be some accountability or controls around their actions. So I think if there were to be even the most light touch of potential disruptions or consequences for malicious activity, there needs to be a feedback loop which is much, much quicker. On to controls, we identified in this report that although acting as an agent for someone else's donation is outside of what is lawful activity under the PPERA. The operation of companies and the payment map - the making of payments between companies and from companies into our political system is - creates a vehicle through which such channeling, such agency, can occur in a manner which is very hard to prove, is directly against the law. So we have here, and it may not have been the intention of the donations that we reported on to work around these rules, that's still an open question, but nonetheless the consequence of that donation has been to show that there is this big hole in our electoral controls, that means that making payments to a company that may clearly be set up for the purpose of making and receiving money which will enter our democratic electoral process is a means of evading controls which might otherwise prevent for example foreign interference in our campaigns. And the government here is really weak. So the nearly 2 million pounds that better for the country unlimited spent on behalf of, because that's how it was reported in the donation reports, grassroots out, was something that at no point in any of the subsequent coverage of that funding, that anyone involved in the governance of that third party campaign organization was able to give any account for. And so, the ability to declare a donation in kind, expenditure on behalf of a campaign, has totally undermined any accountability for the appropriate reporting of that campaign expenditure. So the

recommendation that we have in relation to strengthening the controls, is in relation to company donations, and I appreciate that the role of corporate donations in our democratic politics is in some quarters a matter of dispute. But given that it is currently lawful, our proposal is that there should be a requirement that the donation is made out of profits generated from business done by the company - so, if you like, out of its earned profits, rather than simply as a result of flows of cash between different corporate entities. This is not a million miles away from the approach that has taken to rules in corporate governance around when dividends can be paid to shareholders by a company, the dividends have to be paid out of profits. So we would recommend close attention given to a control there that need not therefore be very controversial, but would establish that a corporate donation in British politics is indeed that, it is a donation made out of the profits of that corporate, that it is not acting as some kind of agent for a donation which may or may not otherwise be permissible. So I have spoken on disruption and on control, the last point I would make is that whilst we recognise your need to have some focus to this inquiry, we do not believe that the matter of money in politics, or the efforts to seek influence over elected or subsequently elected public servants is something which happens in isolation within a four week period of an election campaign event. And so the challenge that you have here is how to develop a response which recognise that the tactics happen far out with an electoral campaign or even a long period of an electoral campaign. And so our other recommendations in our ten point plan around money in politics are about addressing that wider context of the environment, the relationship between elected representatives and their need for funds and where those funds come from for various activities, because I believe no matter how transparent you make four weeks or even four months, depending on whether you know there's going to be an election or not, you will leave plenty of room for things to be happening which you are not responding to outside of that period. And what is at stake here? The ability to interfere with the democratic outcomes in this country or to secure undue influence over future holders of entrusted power in government is worth an investment that you would make over a much longer period of time than the kind of periods that we're looking at controls in our electoral process. And so those controls, the responses, need to measure up to the same scope of opportunity for influence, so I'll leave my comments there. We are very much supportive of what you're doing, but we do think there are other components that are necessary to be successful in your aims.

Stephen: Thank you very, very much. My goodness there's a lot. There is so many - everytime we have one of these sessions, new angles and new issues are surfaced so its extremely useful to have your input in that sense. Lord Tyler, I don't know if you'd like to sit over here. Just on this issue of party funding and donations so a number of you spoke on those items, I was just trying to get a sense of how much overlap we do have in terms of views and agreement across the panel. **It would be quite good to identify areas where all four of you say yes this really is somewhere we should go. So a lot of your focus is on party-funding, based on what you heard from the other panelists, for example this idea of donations only coming from**

corporate profits not just from other [unintelligible], would you agree that's a good way forward?

Sam: Yeah so that makes sense to me. I think one of the things that is always important to think about is the practicality of these things - now that strikes me that's entirely kind of like a practical solution, in that if you have corporate donations, then it's fairly easy to track where that money has come from. **So if its corporate donations, it needs to come from the top line, that to me, strikes me as perfectly sensible.** I think that - the thing that Duncan said that I think is really important to think about is the - what the legislation that you're thinking about is trying to achieve. Because legislation is always trying to achieve something and it strikes me that the legislation like the PPERA and all the discussions around political financing legislation are based around sort of this idea that foreign donations are something which are not welcome in the system, and then also it strikes me that the idea behind political financing legislation in particular, but perhaps electoral legislation generally, is actually one about providing some kind of public confidence and legitimacy in the electoral process, and I think if you're thinking about those kinds of things, then that's where you - that's where the recommendations can come from. Because it has - so if you think about what the legislation that you're actually putting into place is trying to achieve, then dependent on that, that's how your recommendations will follow. So transparency, deterrence, monitoring, presumably transparency the idea there is that with transparency, that provides some kind of legitimizing mechanism. So yeah particularly with the - on kind of thinking about what legislation is trying to achieve, money in politics is not happening in isolation I could talk about that all day, and yeah the company donations, that makes perfect sense to me.

Stephen: [Unintelligible] ... just thinking as well about the issue of imprints and well, just the practicality of the imprint. Do you think its possible to have an imprint which the person receiving the advert can click on it and could immediately go to the information about the source?

Kate: Yeah.

Stephen: Is that what you had in mind ? - I'm just sort of trying to visualize it

Kate: So I've been doing some work with the center for data ethics, - "who targets me", we held a workshop two and a half weeks ago which was about designing actual - or what an alternative digital imprint could look like. And they've actually mocked something up, which is going to be trialled through the public opinion research at center for data ethics, so what's done there is a little, so above - it's on Facebook, because the organization that Who Targets Me work with, but normally you'll have a little thing above the advert and it just says "sponsored". So what they've done is change so it says like: this is a political advert, and it's highlighted. And then underneath - because out of that workshop there was a particular interest in wanting to give people more context about the scope of an advert, but also the variants of an advert.

Stephen: How many political buyers the organization (?)

Kate: We didn't do that. But this specific intervention gives you - **so it says something like "this has been paid for by the labour party"** and kind of a round-about one percent of the people in this area are seeing this. And then so this is one of six variants of the ads and you can click on it and it took you then to the six variants of the ad that were in the ad archive. You could also click on the labour party and it shows you the labour party - all the adverts that they're running. So its possible to have like a click-through system, where you give people more information on the front page and then you click through to additional information and I think that kind of response to me seems a very logical way of going, whereas actually it's providing people with a bit more contextual information, but also the ability then if you're interested to go through and click through and I think this comes to the point about, that you were raising, about you know who is the transparency and additional information for? I think a lot of the time we want to give more information to citizens but actually most - the work that's been done in this area shows that most people are very unaware, they largely lack [unintelligible] especially younger voters but then when they find out more their trust decreases and then they tend to become quite panicky because there's no response you can make. So in that instance, maybe giving citizens more information isn't necessarily the response, maybe what we actually want to be doing is thinking about - we need to provide information for researchers and for the press who can do the scrutiny and provide the accountability that transparency should be there for. I think there is a potential danger that, if we focus interventions on giving citizens information without giving them power to actually do anything with that information, there is actually a potential for kind of increasing distrust and enhancing the effects actually I think the APPG wants to mitigate. So I think it is really important to think about: who are these interventions for and what is the intended goal there?

Lord Tyler: Yeah- just to tie in, there's two points here: the money and the information. Long ago before politics, I was a sort of journalist and a shrewd veteran of free streets (?) and follow the money, follow the money, follow the money, which is really what you're all saying, and contrary to what I think Sam said earlier, **I am not particularly critical of the electoral commission. Its our fault. Parliamentarians set this thing up with inadequate powers and inadequate resources and of course, successive governments have been very too pleased to keep them in their box. Because when they're answered to, they actually do move quite quickly.** I think the classic interesting thing is the issue, and you can't - **I think that Mr Farage has found a way through the system, which is impeccable because its not only true that you can contribute 500 pounds from Monaco or California without anybody noticing, but you can do it every day of the year.** So if you've got that sort of money, Sam, in there, you can buy up some politics (?). **Because not only do you not have to prove your bit, but if you do record it, the electoral commission may fine you for over-reporting. Now that's our fault, as Parliamentarians, we've set up this regulator for our own business as it were, and tried to make it as toothless as possible. And that's where this comes together I think because we do have to rely on investigative journalists being able to see where the money has come from to do this. That's why for example, we have to make**

sure that the EC, and I'm a friend of the EC in this, I'm far from the critic that you're applying we all are, if they were able to actually to actually fine on the scale of the damage that's been done, rather than the 20,000£ being the maximum they can fine, then we'd get somewhere. So if you spend 1 million pounds illegally on something, you should be fined a million £.

Stephen: Thank you. Very important comments...

Kyle: Can I ask one ?

Stephen: Yeah.

Kyle: What are people's views on a maximum donation? So its you know - the historic difference between the US and UK is that the UK has spending limits, the US has, bizarrely actually, has donation limits, should there be a maximum gift for an individual, a maximum gift for a corporation, in per year or per election cycle or... ?

Sam: So my position on that is - so that's the solution that's always mooted, that's the solution that was mooted by Hayden Phillips in 2007, that's the solution that was mooted by the CPSL in 2011, I think they put it at 10,000£, and that's all very well and good but **the British political system as it currently stands is a system that runs on donations. They don't really get much money from membership fees, labour do pretty well but its still only about 20% of overall income and you don't get much money from other sources. You don't get much money from the state. So its all very well and good capping donations but if you want political parties to run in this system, then you need to make up that shortfall somehow. And that would be for me one of the main reasons to introduce more state financing, but again thats something a little bit like the EC, that no one wants to back up, because - especially close to an election. So it's all very well and good talking about caps on donations but that needs to be part of a whole bigger kind of holistic solution. You can't just cap donations and expect political parties to be fine with it, equally, the cap on donations is one of, as I understand it, is one of the hardest wins out of anything you can get when you're trying to reform particularly British party funding regime, and that's because actually you've got these two kind of historic institutional locks, of the trade unions and institutional donors on the conservative party side. And the minute those debates start happening, the minute it kind of shuts down.** So my understanding about Hayden Phillips was that was where the reforms fell down - it was around those institutional locks. My understand of the CSPL review, what I have argued is that there's these three locks. You've got the trade union institutional - the trade union and company donations issue, you've then got the fact that introducing state financing is incredibly unpopular with the public, almost as unpopular as the current regime, or as unpopular as the current regime, and the fact that politicians don't want to do that anywhere near an election time. Because who is going to run an election saying "oh by the way we're going to raise your taxes so that we can have more money," nobody is going to run that in an election. Then there's issues - so capping on

donations might well be a good idea, but its by far and away the hardest win and my understanding is that's when any kind of financing reform has fallen down over the past - since PPRA if not before.

Duncan: So it maybe the hardest win, but it's something we'd whole-heartedly support, a cap on donations. We're happy to support the level that has come out of this independent process, that most recently those that committee on standards in public life set. But you know if the argument against it is - what it does for the state financing of parties and the need for public funding, that is not an argument against it in principle that's just an argument about the level at which it's set. Granted that there's a degree of brokering if you're trying to get cross party support behind a particular number, but it's not an argument against it in principle. We consider that it is invidious for politicians to be dependent on certain donors, who, by virtue of their generosity, are a very small number of people that are all that matters as far as those politicians financial supports are concerned. So much of the other fundraising that happens, as you suggested Sam, is almost a smokescreen to that. And in our analysis of the funding of the referendum campaigns in 2016, half of the reportable donations, across both sides of that campaign, half of the reportable donations came from just 10 people.

Stephen: Men.

[Laughter]

Duncan: Indeed. I mean when we think about how that one democratic event has so consumed everything that's happened since, and of the reportable donations which are by far and away, I'm sure, the vast majority of the money that was spent. As it happens fairly even in value across the two sides, but there was no guarantee that that was going to be the case. **But that it was at the mercy of 10 individuals, the half of it, and not that many more for most of the next half of it, I think fewer than 100 people were covering the vast majority of all of the expenditure of that referendum. That lacks legitimacy in the kind of broader definition of what democracy is. It sets up really high risk relationships between politicians and their backers. And it undermines public trust. So even if the - you know its nine years old now, even if the CSPL limit is not the number that is agreed, but there should be a limit, is I think something which has not been argued against in principle. And you only have to look across at the atlantic at what has happened to - citizens united - how the absence of any kind of control has totally fuelled the influence of vast amounts of expenditure in their politics. Take the financial influence that the NRA has over some congresspeople and why it is that that country has legislation which, you know, we couldn't imagine that we would have the same situation in this country. So I think there's pretty good evidence that it makes a difference, and not in the public interest. So whatever the level is, we should be looking for a level, otherwise we lose - the public loses their grip on what are supposed to be the public's representatives.**

Stephen: Thank you very much. Just thinking about timing - what would you say that the major risks that we face with another democratic event coming in the next 6 months? Is the system fit for purpose by the current standards, and what could we do rapidly urgently to at least try to put a thinking past that

Kyle: The context of that is we're thinking about like a quick link section and also like the next big things that need to be addressed so what are the quick fixes?

Rachel: So well, I just had one, just on the last point, maybe just to say - not to say I'm the kind of sort of nay-sayer, because I think money and regulation - **money in politics is very important, but I do think there's a need to think about the role of data as a kind of a focus for regulation, in the sense that data arguably is becoming the new money in politics. So in campaigns, you know, you don't necessarily need a huge amount of money per se - but what - you know, if Mark Zuckerberg gave you access to Facebook, and obviously that's gonna be less likely given the last sort of debacle with Cambridge Analytica, but I mean it's that which actually becomes the really critical factor now I think.** And I think we need to sort - we talked about the analog and the digital and I think that - not to say that the focus on money is incorrect, but there is this sort of old [unintelligible] where we've always focused our efforts on regulation, and there's this...

Stephen: We have a dual focus, this is money and data and that's absolute within the scope... and then we have the information commissioner's office tomorrow.

Rachel: Right, ok. And so actually I would then say - that leads into the point about what can we do and - im not aware how this has changed but **I know a recent session I was attending where the ICO were there, I think they have appointed perhaps one data scientist to the ranks that they have, which to me seems a very small resource to be using to be able to try and do some of the things which I think could be done, to do this almost sort of early warning kind of detection scenario. But yes I think something around having some kind of system whereby there will be people - data scientists - a team of data scientists - who would be able to use machine learning techniques, social network analysis, sentiment analysis, topic modelling and there's a lot of skill out there basically around this idea of looking for patterns in the data. And also then sort of working out does that signal there's something happening here that we need to look into in more depth. So I think that does strike me as a really important next step, is increasing the resource.** So either in the EC or the ICO, with regard to having people with those skills, and not being a data scientist, I guess I have a lot of respect for what they do. I've worked with people that would be the sort of people I can think of who would be able to advise more on this role. Perhaps you need more computer scientists as well that you would talk to as part of the...

Kate: I do agree I think there's a potentially very quick win in terms of - if the EC is going to be resourced with more finance, it strikes me that the ICO is doing a much better job at

equipping itself for the digital age than the electoral commission currently is, and some form of fellowship or research exchange system within - you know, having tried to work with the EC as a very sympathetic academic, they're not an open organization and they're not able to draw in that external expertise in a way you would expect them to at a time when they're very under-resourced. So some kind of very basic low level academic partnership / fellowship scheme within the electoral commission, like - that's what happened at the ICO, they appointed an academic to come and work with them, could be an easy way to get in some expertise to allow them to do things that they're currently not able to.

Stephen: There's some confusion I think about the roles of the EC

Kate: There's a lot of overlap.

Stephen: - people often aren't clear on where one - where certain functions should sit, what are your views on that? Do you think that the sort of lead coordinating body should be the electoral commission, that they could perhaps draw - maybe there could be a level of understanding or service of agreement between the EC and ICO to draw their expertise, but the key player is the electoral commission? or do you think there should be some other sort of definition of their prospective roles?

Rachel: I imagine that there would be probably some sort of turf, in terms of you know, being able to - so having something that was a shared - **something that was perhaps joint, that sat in between them, I don't know if that's naive but I think something whereby that would be perhaps new, independent, it would be sort of seen as having a focus around elections, particularly around - some focus around the use of digital technology, AI, within elections would give it a kind of - maybe a sort of remit that would be looking ahead towards this year, for instance.** If there was an election held at this point, what would we need in order to be ready to be able to kind of defend against sort of cyber attack?

Stephen: So a focus on data, and cyber and sort of the other uses and misuses... what about sort of a long distance relation that's for the electoral commission really to lead on, and is that - what are your views on - does that require a new agency or a new institutional kind of capability? Or could it be just better use of the ONS? Of the IFRS? Of [unintelligible] in a previous session - apparently OIFS is not allowed - you're not allowed to use information from the institute for fiscal studies in campaign election, in the short campaign which strikes me as being insane. So this whole thing about information and disinformation, how do you regulate that, how do you decide what - and you know there's 350 million on the side of the bus, how could you decide - what's the fact checking capability, how could that be improved?

Kyle: And who is the fact checker?

Stephen: And who... yeah.

Kate: It's very very hard. There's even - so there's been some really interesting research about what Facebook did in terms of flagging stories that were spreading this information, and when they actually flagged them, it reinforced people's tendencies to actually agree with - so there's a lot of -

Stephen: the more you tell people this isn't true, the more they -

Kate: So there's a huge backfire effect and I think actually it's, you know, politics doesn't actually have many uncontestable facts, right? It's a values game its about interpreting. And I think maybe reducing it to there is a right and a wrong answer, I think is personally the wrong way of framing the debate. You know there are contestable claims and there isn't a single truth out there and I think the fact that we have moved to this type of debate in which you know there are right and wrong things, there are certain bits of factual information which you can say that is just a blatant falsehood, and I think there is potentially a role there, but it becomes, as soon as you start arbitrary-ism between different claims and it's - I think that it's just messy and there isn't an easier way to do it. And it's especially difficult to do it in real time. The only interesting solution I have heard of which you may want to look into is reform political advertising, we've been doing some interesting work looking at the sign-up process for advertising,

Kyle: Who is that sorry?

Kate: Reform political advertising.

Kyle: Oh is it like an action group?

Kate: Yeah they're a campaign, led by Alex Tape, and they've been doing some interesting work looking up at the sign off content to factual claims in advertising outside of politics, and they're advocating that it is possible to have some kind of real time fact checking on political ads, but they'd be able to tell you more about that.

Duncan: I just want to attend to your question on quick wins. Because the time-table you've got is pretty challenging, I think it rules out regulatory change. The time-table doesn't rule out voluntary action by political campaigners, you know, a consensus, a compact set of standards that [unintelligible]. But perhaps the current political climate does. But maybe that could work within that tight timeframe, which I think leaves you with the platforms, and the platforms are capable of acting far quicker than the legislative cycle. And if there's enough public and political pressure on them to act, and indeed if they have the will, which is I think an open question, at the end of the day, these advertisers are paying for a service, or indeed users are, you know, they're at the whim of the platforms. So they have some leverage which they could utilize in a much quicker time frame than anything else we've discussed, so **I think probably the best prospect for an early win is around this imprints question, or as they call it in the States,**

the honest ads campaign. So if you're wondering where to focus for the next few months on the basis that other things won't be baked and ready in time for november or whatever, I would suggest just exploring what either the political campaigners or the platforms they use would be able to introduce perhaps on a pilot basis, but on a voluntary basis rather than waiting for legislative change.

Stephen: And the format has already been worked on so...

Kate: 100% agree with that and it would be very, very important to do that cross-platforms. Facebook have actually been leading the way in terms of transparency on this, but for example the facebook ad archive stores in for 7 years, twitter - 7 days. The variation across platforms is absolutely huge and I think if it was possible to come up with a standard template that could work across platforms, that provided you with the same information and the same click-through format, in terms of then what you were seeing behind the scenes. You know these companies are all doing quite a lot - you can actually get a lot of your - you can see, you can download lists of who has targeted you on twitter, but it's all in a very different format to how it is on Facebook or on the Google transparency, so by letting the platforms lead in this area, we're ending up with an incredibly disparate landscape which i find difficult to navigate, let alone average citizens, so **I think it important to really press platforms and not let them lead and define the terms of debate, and I think that given the degree of consensus around digital imprints, I fundamentally agree I think that's the place to push because the government have already said that they might need to act on this, but what I think they haven't said is "well what does that imprint look like?" And if it's just the case of reproducing whats on offline material I think it's a missed opportunity because it won't be reopened again.**

Lord Tyler: Yeah well, [unintelligible]. I think Duncan is absolutely quite right, you're all right about imprints and work is being done. Got the EC, Cabinet office doing the work, and I think that will happen. **But I don't agree that it's right really to leave it to the commercial world to regulate, we should be responsible for regulating the way in which our democracy works. There is an all-party, cross party, set of legislation ready to run for referendum, don't hold your breath, but it's there. Tabled earlier this year by Dom McGree (?) could go anytime, could be done, could be ready for november. More tricky actually is I think the general election issue because that's where the whole Thanet experienced the supreme court - the difference between national funding pouring into target seats which was referred to earlier - that's much more difficult to legislate for, and there will be huge party interest in that.** But I want to go back to the point that came a bit earlier, and just see if you all agree with this - I think you said, if I got it right, that you were expressing a neutral view that young people, when exposed to where some things were coming from, became a great deal more cynical - or questioning. And I think actually we should all be a great deal more cynical about what's being thrown at us. Would you all four agree with that? In which case, anything that makes it more transparent and we're more cynical about it, I'm up for it.

Kate: Just to clarify, young people are in general less cynical to start with, but across the board when you give people more information everyone becomes more cynical. But it's - older voters are far more cynical to start with than younger.

Lord Tyler: Not the very old.

Kyle: They'll believe anything.

[Laughter]

Sam: They're... So one thing I would say about that - and I think it's an important point about transparency - is that if you look at the debates in and around the implementation of PPERA, and indeed in effect if you look at kind of the debates around the Hayden Phillips review, what it would suggest is that in and around this electoral legislation, built in is this idea about the importance of transparency, but also the you know, if you make things more transparent, if only the voters could see what's going on, they would realise that the system really wasn't as corrupt as they think it is. **And there's all of this sort of stuff - it's like the sunlight is the best disinfectant approach, which it might well be, it might be the case that if you make things more transparent, that reduces the likelihood of wrongdoing, because people might not want to get caught up. But I think there's an equal point that if you introduce transparency, it might well make people feel a lot worse about the working of a democratic system. And a debate I often have with - so I've done a lot of research in Denmark as well, and I have been quite evidenced by saying in the UK we have an effectively world-leading transparency regime. Now in Denmark, I would argue that they have an effectively world-leading transparency regime. Transparency regime generally for political financing in Denmark is very poor and when they talk about reforming the regime, they're having the exact same debates that we were having in the year 2000 - they're saying: if only people could see what was going on in the Danish system, if only it was more transparent, then people would feel a lot better about the system. But it might well be the case that Denmark, the Danish system are very- they think their politics works pretty well, thank you very much. They're constantly at the top of the transparency international corruption perceptions index. It might well be the case that that transitive effect that there's a lack of transparency in the way that these things work, makes citizens considerably less cynical, right? So actually we're designing these transparency regimes around - we're pushing transparency as a way to improve legitimacy in the system, when actually transparency might be bringing down legitimacy in the system. Now that's not an argument against transparency, but it's something that needs to be thought about, but if we think transparency is important then we need to think about why transparency is important and what transparency is providing. And I think what Kate was saying was sort of bang on in that transparency does not necessarily provide citizens with more information, but it certainly provides a mechanism for monitoring.**

Kate: Then that leads to deterrence, and I think that then there needs to be teeth, whether that is at a citizen level, when you can report an advert or something, you know, as misleading material, or whether its an institutional level where we actually have the electoral commission able to make some response in a timely way. I think the weakness of the institution at the moment is a real problem.

Rachel: Maybe a sort of more general point you know on the issue about cynicism, obviously there's a point where we need more people to be cynical. And just sort of looking at the sort of political science kind of perspective on this, so at the time there was kind of a point where there was a general sense probably in the late 1990s, sort of early 2000s that people were generally, were becoming more critical citizens and they were expressing sort of more healthy attitudes towards elites, they were questioning - education was playing a role - and so there was a sort of optimism perhaps that we were sort of changing from being sort of - perhaps blind loyalty. But what I think what's happened probably since the last - maybe even since the mid 2010's is that people have begun to sort of say: well actually this critical citizen is morphing potentially into sort of a deconsolidation of democracy. And that - there's a point, **there's perhaps a tipping point where cynicism is altered to good and people should be critical and have a sort of healthy kind of distance from elites, but also that when that becomes that people lose a sort of support for the democratic project as a whole, and that specific criticism turns into more of a diffuse disengagement, and this is the sort of thesis about democratic deconsolidation, we've entered an era where more - and this is the argument for younger people as well - there was an article that was published some time ago in the journal of democracy, but basically what their argument was, was saying we see now that people are less inclined to say that democracy is the best system, of the range of alternatives, and that's going down in a way that it hasn't done before, and also more inclined to favour authoritarian sort of alternatives, and that is going up. And they found that this was actually seemingly stronger amongst younger voters in the US, and so this is sort of this point perhaps about the idea of: it's good up to a certain point, but then we are in a time now where actually, more cynicism is obviously not good.** And I think just to pick up on the point of - I think, maybe I'm wrong so I don't want to misinterpret, but I think what you were saying was that people should be encouraged to check these things out, they should be allowed to sort of get the transparency and know what's going on, but if they're empowered then to do something about it, so the efficacy is the important bit that that leads them to then feel like well actually its a mess, I don't understand what's going on but I think its bad, and I actually can't do anything about it so you're kind of further back than you were.

Duncan: So we, on transparency, what we see with the corruption perceptions index, is that there's a bit of a bow way (?), so you have some major corruption scandals, you have some enforcement action taken place, and although - and you open things up - and although people ought to have more confidence at that point, it takes a bit of time before they do. Because initially the memory of what has recently come to pass, is raw, and of course although what has come to pass had been happening for a long period of time, they didn't know about it until it

came to pass, so you get this wave that I don't think in the long run it acts against public confidence. So take the MP expenses scandal for example. We now have vast amounts of data put in the public domain about how MPs spend the money that's made available to them, it's, you know, as dull as dishwater, it's not sensational. Recently an MP was convicted and thrown out the house off the back of some of this, but for the most part, it is, compared to the febrile atmosphere in this place 10 years ago, it's very different, and you can't argue that public confidence isn't higher off the back of that, then where we were at that time. In terms of healthy cynicism, I would turn it round the other way. **I would say where we actually need some more healthy cynicism is on the part of the recipient of funding. Whether its the MP who wonders whether the person being very generous to them, or in offering them a second job, really values their time, they need to be a little bit more humble in assessing what the possible motivations are there. Indeed the political parties that engage with very wealthy donors, who are not yet in the house of lords, but statistically speaking, one might conclude that there was a regional change that they might end up there. I think there needs to be a much healthier dose of skepticism on the part of those receiving money into our politics, because until there is, they're still going to be a long way away from the public attitudes of the people who see these transactions happening.**

Stephen: Then again, I guess sunlight is the best disinfectant, because it'll be public scrutiny of where that money's coming from and transparency around where it's coming from that will be the strong incentive for those MPs and those political parties to behave with probity. Its the loop of accountability, transparency, information is made available to the party, affecting the behaviour of the recipients of those donations.

Duncan: And it's - someone mentioned journalists at the beginning - was it you Kate - it's absolutely essential to have this information for journalism to provide some accountability here. Because even if the public aren't going to act on this information off their own accord, they're not going to be armchair auditors of our politicians, they have a free investigative media which has an appetite to do this. But if the information isn't published, I mean, the chances of this information coming to light become miniscule.

Kate: It's a huge war, like - one of the things I've been doing is convening workshops around the challenges of studying campaigning, where we've had policy makers, regulators, journalists, academics in a room, and everyone is confronting exactly the same problem, in that it's practically impossible to get data. The electoral commission have been sitting in on those, and have been voicing the same frustrations about not understanding what's going on. You know, the don't have the ability to look at content because it's outside of their scope, so they -

Stephen: Content is in terms of -

Kate: In terms of the content of, like, campaigns, but like online...

Stephen: Oh I see. So not the provenance of funding?

Kate: No, so not funding, but I mean I think a lot of these challenges are getting information being experienced across the board, so **there does need to be an opening up of - firstly gathering more data. I think the point about going into parties and auditing them, something that has been done in Canada, and to quite great effect, they've done some really good work on the data that parties gather and going in and auditing different party systems.** But also on like origins finance I think there's potential for a scope -

Stephen: I mean, it strikes me that the connection between the transition from paper based political campaigning and lets say audio and visual based, and digital that - the difference really is that everything on this paper based and out there on advertisements or TV, there was a right to apply built in because everybody could see it. **The difference with digital campaigning is it is a send and receive model. That pops up on somebody's screen and there really - there's no right to reply because - so that thing that pops up on your screen could be calling the other side wrong, accusing them of all sorts of things that you think of under the sun, and the other side doesn't have the right to reply because they can't see it. And I think that that's potentially also a link from a democratic culture to an authoritarian culture, because its a foreign propaganda, where there's no right to reply built in. In totalitarian systems, there is no right to reply because of fear, that if you do stand up and call something out the likelihood will be that you get sent the gulag. Now I think it's really pernicious for our democracy, because it goes almost through tunnel vision, i mean it just is - you send something out and the person at the other end, on their screen, sees it. But it's not part of a debate. It's not part of a dialogue. There's no answer to that.**

Rachel: I think that's where it throws it back to the social media companies, in that in terms of being able to track and trace what is actually being shown to people or what they're actually seeing. As consumers we'll never know - how do we actually measure that exposure? It's really impossible, it's only the social media companies that have that data. So maybe they don't regulate themselves, they need to be, you know, told that they need to keep this - but there needs to be some accountability of what is being shown at source.

Stephen: That's kind of what happens when you atomize the system. Because it's atomization by definition is far more difficult to monitor and to hold to account.

Kate: It has happened in the past - I think **I would just caution against the online/offline because this has - it has been difficult to delete this offline, you know, to gather leaflets and materials. It's not done systematically by anyone, gathering leaflets. The issue with it going online is that the resource that you need to be able to spread messages online is so much lower. So offline you need a leaflet distribution network. Online, anyone can do it, and you can have multiple iterations - it's far easier to do it in a far quicker time. So it is different but I think it's more about the content and the kind of resource barrier - I think the right to reply, I can see why it's there, but I think that has - I think there have always**

been issues even in the offline before. It's just that it's the speed and scale that it's happening offline [she meant online] to me that's distinctive about it. And i do think its important not to just address the digital, but actually to address the overlap between the two of these things, because I think a lot of the problems that we're not diagnosing online equally apply offline, and it's just that they feel more urgent because it's amplified.

Kyle: One of the ideas is to have - and this has come into a question, I've been trying to bring 3 things together which are all linked in my head, but we'll see if they're actually linked - so we're reporting online on candidate expenditure, obviously right because the national expenditure is online, and the candidate expenditure is sitting with the local returning officer, at the time you have these weird split - so national level and so forth. That online repository would also have offline leaflets, so we would bring it up to the same level. All the digital data, all of the offline data, together. But the - I want to just finish on the local and national spend, at the differentiation because one of the main points about digital advertising that's been made repeatedly, is that you know it can all be national spend, but it's obviously geo-targeting or its astro-turfed in, like the IRN-BRU example, right. If you want to get people in Scotland, look for people who like IRN-BRU on, you know, as a replacement for geography. So we're looking at, like, potentially one about limiting how you can target political ads. So you can only target based on postcode or something, and that's just a random example but - and you have a cap per seat of combined expenditure for national and local - so, you know, the most you can spend on a seat is x, 10,000£ or 60,000£ of whatever, but as opposed to like this idea of the two splits, because as you said, if you spend 100,000£ of digital ads in one seat, that's just national, and spend nothing on other seats, is that a way to potentially like bridge the divide?

Sam: I think that with local and national spend, one of the reasons why it's really hard to kind of find a solution to this problem, other than that some people just say: actually it's so hard that this is about as good as we can do it. But I think this is, and I couldn't agree with kate more, the idea of like online and offline needs to like, there needs to be less of a distinction there. There's challenges offline and challenges online but they might indeed overlap. But where the kind of national and local spend thing is key is this idea that actually you can pretty easily target anything at a very concentrated area, now you can do that offline as well. But you might say that actually it's - so the example I always use is, I live in Brighton so when there's a general election on, there's lots of billboards - green party billboards - up in brighton pavillion, just because that's kind of the nucleus of the city. Now, i would posit that there's not many other constituencies with big national green party billboards in, and that would be considered national expenditure, right? Because it's a national billboard, it is saying vote for the green party. Now I don't think they're putting that down at south- I don't think they're putting that billboard in many places - they might be putting it in Norwich, they might be putting it in Bristol, but that is national spend. Now how do you then - **there's clearly always going to be areas where you are going to be able to get slightly around rules and use some of your local spending as national spending. But I think that one where there's not necessarily an easy win, but something to think about, how to bring targeting into the legislation, and that might be a solution. If you're specifically targeting very clear amounts of money at certain**

postcodes which looks pretty local, that's something that you can build into the legislation, but with this legislation it always needs to be realised that there's always going to be ways to get around it, but you just need to find where the most egregious examples of this sort of thing are happening. So the Caroline Lucas example, fine, you know what, there are green party billboards in Brighton, you're not always going to be able to regulate against everything, nor should you. But there's areas of targeting where I think that's key, and I think that is where the online distinction there is absolutely key as well.

Stephen: I have to run unfortunately because I've got a three o'clock meeting. But thank you so much and this is great that we're in touch, we're of course going to be working on framing the paper together and it'd be great to get some inputs from you again, you've given us some really excellent contributions so thank you so much for your time today.

[END]

All-Party Parliamentary Group on Electoral Campaign Transparency
Transcript of Oral Evidence
Session 5

Held on 16th July 2019 in 50-70 Millbank House

Attendees giving evidence: Steve Wood, Deputy Commissioner (Policy), Information Commissioner's Office; Craig Westwood, Director of Communications, Policy & Research, Electoral Commission; Tom Hawthorn, Head of Policy, Electoral Commission

Attendees: Stephen Kinnock MP, Chair, APPG, Kyle Taylor, Director, Fair Vote UK, Lord Tyler, Member, APPG; Deidre Brock MP, Member, APPG

[Names and Introductions]

Stephen: Fantastic thank you very much everyone. I'll just say a couple of words about, er a sort of a reminder - I think we're very aware of what we're trying to achieve, but just as a recap really - and then it would be great to hear from the ICO and the electoral commission your view on the top priorities, opportunities, risks that we face as move towards the process of synthesizing all of the evidence for our report (?). So just to briefly recap, the all parties group has been set up by a number of parliamentarians who have been concerned about the erosion of trust in our democratic systems and processes and the institutions that are responsible for regulating those processes and enforcing them. A lot of that came off the back of the 2016 referendum. But it feels to us like some of the challenges that we face do actually predate the referendum. Broadly speaking, we're looking at both data and money. So theres a kind of a cliché that we like to roll out, that we seem to have analog methods and tools for a digital age, so how do we upgrade our capability in light of the increasingly sophisticated methods that are being used for political campaigning. And on the money side, how do we ensure that we are able to get maximum transparency and enforcement capability? We can incentivize good behaviour and clamp down hard on bad behaviour. The report that we are looking to do - we hope we will be in a position to publish that in the autumn. We have received a fantastic amount of evidence, both written and oral, from a diverse range of stakeholders, quite a lot from the academic and think tank world, and obviously from yourselves, people who really are the decision makers in this. We're looking to pool all of that together into a report which will focus on three main areas of activity: three main challenges really or aims or themes: transparency deterrence and monitoring. How do we ensure that citizens have transparent access, really knowing what is the source of the funding and the institutional power behind the information that they're receiving in terms of political advertisements and other forms of engagement. Deterrents, how do we ensure that we have the institutional capability, forensic capability to really go after those who are abusing the system, and also how do you set the punishment so that it fits the crime and is also not just a slap on the wrist but much more adequate and appropriate than that. And then on monitoring its a sense of the way that the landscape moves, rapid and fluid, and how can we have a system in place which ensures that we are up to speed and indeed whats come through in a lot of the evidence we've seen so far - how do you focus

more on prevention rather than cure? So what are we doing to nip these issues in the bud? Because often by the time the illicit activity has taken place, whatever it might be, either in the data or the money side, its too late, the horse has bolted, so how do we actually build the capability and capacity to disrupt and prevent this behaviour not just to react to it after the event. So those are the sort of 3 main areas that we are going to be focusing on in our report and clearly I think theres gonna be some of these issues which are very much low hanging fruit, what can be done rapidly particularly given the possibility of a snap election in the autumn. Our feeling is that the system is absolutely not fit for purpose and we really worry that another major democratic event across the UK, which is again being kind of polluted by this sort of behaviour is going to have a very negative impact and erode trust, so feel theres a kind of need for speed. But then, we also recognise that there are some sort of longer term structural more fundamental issues that need to be addressed. So we're hoping that the report will both have some kind of tangible deliverable recommendations in relatively short order, and then we'll also address some of the long term challenges. So that in a nutshell is what we're seeking to achieve. My colleagues is there anything youd like to add? So if we could then start, I really don't mind whether the electoral commission or ICO would like to start.

Kyle: ICO is starting.

Stephen: So ICO is starting. that's democracy in action.

[Laughter]

Stephen: So yeah if you could just give us your if you like pitch on what you think are the challenges, threats opportunities in light of what ive just sort of set out. And then we'll go over to the electoral commission and then we just open it up for Q&A.

Steve Wood: Thanks very much and really pleased to be here to speak on this topic, and we've engaged really extensively on these issues since 2017, we've also given evidence to a DCMS select committee, and we see this as part of our ongoing engagement highlighting the key risks and issues in a really important area. **So for the ICO, this is a matter we started to look at in 2017, so when issues were first raised about the use of data relating to the Brexit referendum, and we have had a strong sort of systemic joined up program of work to look at the issues emerging from how data is used in a democratic process since then, and I think its been of vital importance to us at the ICO because we see the confluence of different fundamental rights as well as the fundamental rights relating to data protection and privacy - a confluence there of all the important rights relating to free and fair elections and freedom of expression as well.** So for us the commission [unintelligible] prioritized this work back in 2017. But to go to your theme, as well, **for us at the heart of this was a lack of transparency and the concern really that the public were unaware of what we call sort of "invisible processing" which is behind the curtain and actually had become very sophisticated perhaps without the public being aware. The sort of use of techniques which had been developed in the commercial sector had quickly been applied**

into the political sphere really without an ethical pause as well to consider what the implications were of using these commercial techniques in this particular unique context of elections and democracy and we feel that is what really heightens the importance of this issue. As well though, we have ongoing concerns about how this type of advertising works in a broader commercial context as well. So for us as well at the ICO it was very important for us to look at the issues in the realm so our investigation really covered 30 organizations. So we looked at all of the key actors, so we looked at critical parties, referendum campaigns, analytics companies, obviously famously Cambridge Analytica, we looked at the data brokers who were supplying the data, we obviously looked at the social media companies, the internet platforms that were playing a crucial role in the delivery and the microtargeting of the adverts that take place and the profiling that takes place behind the scenes, that service of profiling and ad-targeting, the internet platforms provide the political actors, the parties, the referendum campaigns who want to take part in the particular process. So for us as well we talked about political data ecosystem, to use that term, in terms of all of these different actors sharing data, data flowing between them in different parts of the process with all of that leading to that greater micro-targeting of the customer being in the middle. We've got a number of sort of diagrams that explain that in our democracy disrupted report, we show how the individual voter can actually can lead up to being targeted about different aspects of their characteristics about how they're analyzed and profiled and how that leads to very specific and targeted messages being delivered to them. We also commissioned a piece of work from demos as well which set out where this could go in the next 5 to 10 years as well, so what does this look like when the world develops artificial intelligence, concepts like sentiment analysis, taking data from a wider range of sources such as the internet, so a large number of devices which produce patterns of people's behaviour. So that led us to the point of last year where we set out the outcomes of what we'd investigated. So we took specific enforcement action against certain actors in the process so we used our powers, we fined facebook, which was the maximum under the old law, of 500,000£ for their role in the gathering of the data which led to that data being supplied to cambridge analytica. We fined one of the data brokers a company called MS Diary who supplied the labour party, we also instigated formal use of our audit powers to go and do formal audits of all of the major parties as well as part of that process. We also made clear as well, although they went into administration and then heading towards liquidation, but we made clear that had we taken cambridge analytica to the full conclusion we would have concluded that they broke the data protection law as well. So we set out those particular findings and showed how we used our powers, but equally as well we had reached a point in a way, luckily for data protection, we had a once in a generation opportunity to modernize our law, so the introduction of the GDPR last year gave us stronger powers to fine ultimately up to 4% of global turnover up to 17 million pounds, we have strong audit powers of investigation which also we successfully made the case to the government to, during this investigation, as we realised the limits of our old powers to be able to get data from cloud servers, to be able to do a modern digital investigation as well. So that was part of our work. And then just lastly, and I hope we can explore this in more detail, **we made a series of recommendations in our report which was**

entitled democracy disrupted which I'm sure you've seen - but just to highlight a few of those, the most crucial one to us at the moment as well given - the improvements in other areas like our powers we feel like we're well tooled in that area - but the key issue for us is a stronger set of rules of the road if you like - in what would be a statutory code of practice under the data protection act 2018 for use of personal data in political campaigning. So we made that recommendation to governments and it was also endorsed by the DCMS select committee - but we're still sort of waiting for a full reply from government on that, whether they have indicated they are willing to examine it. We feel that as well would make it very clear what the risks are in relation to personal data and political campaigning and also how political parties can actually utilize data in digital campaigning with that being a positive aspect in terms of engagement of voters. The code of practice would also show where political parties, particularly, can actually make use of data in campaigning so they feel empowered to know how to do that within the law. So that's particularly one of our crucial recommendations, we've also made recommendations about raising voter awareness. **We also want to work closely with the electoral commission on that about raising general awareness using some of the campaigning tools we've already got at the ICO that we use for the introduction of the data protection law last year. And to generally raise awareness about what data politically parties generally hold about individuals is an important component of this work as well.** I'll leave it there in terms of my opening section, happy to take any questions now, or move to the next...

[14:15]

Stephen: We can maybe do a couple of questions, just before moving onto the electoral commission, and we'll try to come back to you if we can. Just on the statutory code of practice, have you drafted something and do we know what that looks like?

Steve Wood: Yes I should have said that actually. We actually have a draft version, although it won't be a statutory code because we don't have the primary legislation in place to underpin it, we are going to produce essentially a draft to say this is what it could look like, and also because of the urgency the point you made of "there could be an election in the autumn" we want something to be out there from the ICO to guide the process, so we should be in a position to publish that next week.

Stephen: Next week? Oh ok.

Steve Wood: Yeah, the 25th.

Stephen: Ok.

Steve Wood: and that will be for consultation as well it will give the chance to political parties to consider it over december and provide input about how it works practically for them as well.

Stephen: You talked about raising awareness on the data that political parties hold on people, how would you propose to do that?

Steve Wood: Well we did make a number of recommendations in the report which were probably maybe slightly for the longer term about whether there could even be some sort of standard information which is provided to voters, we didn't completely prescribe how that should work because it's not our particular area but we did just give one example. For example - information - **there could be a special website which people could be directed to from the polling card but we're aware that's a very specific part of the electoral process which is highly regulated but we think there needs to be a key place where voters can go to, to get standard information - so sort "mypoliticaldata.org" or just a direct url for people to go to a website which very clearly sets out to them how their data is used in general terms in the political campaigning process, with alongside that the parties and the other actors still having their direct responsibilities to provide their own privacy notices on their website, but a more general awareness campaign would only be one part of it, its only one part of the jigsaw but we've had some positive discussions with the electoral commission about where we could start to do that.** We've also got a branding that we use generally for data protection called your data matters which is for the public about their data rights in general terms so also about how their data is held by companies which we've used - we've got a series of animations which just make people aware that we're planning to - we have made some initial work on the branding there to get that working there in the election context as well. I think we ran it for the European elections for the first time.

Stephen: On digital imprints, do you have a template or do you - what is your thinking about digital imprints, I'm assuming you think it's a good idea, but how would implement that and then do you think it would be something that you could click through?

Steve Wood: Yeah. No I didn't mention digital imprints immediately because it's probably an area which is a bit of obviously it's a combination of interests obviously the electoral commission..

Stephen: We'd like to get into that.

Steve Wood: ..a primary interest because it's about the transparency of who has paid for the but we feel it just goes to the overall transparency and fairness about how someone's data is used, so **we've been supporting the cabinet office consultation and we've provided input into that in terms of digital imprints for ads. I think we've seen also there's a self regulatory system at the moment that facebook have got an archive up and running which I think people have tested that and looked at the short-comings of it. But I think it is important that that's put on a statutory basis. But I'd obviously point to the electoral commission's specific interest in that, so it's partly an understanding of how your data is used in that context but it's got that particular campaign financing aspect which would be**

outside of our sphere of influence, so whether it'd be the ICO to oversee that it'd be more likely to be towards the sphere of the electoral commission rather than us.

Stephen: Right.

Steve Wood: Yeah.

Lord Tyler: Going back to your main task, it sounds from what you've been saying that you see that political parties has been your main area of interest, but as we call it one of the extraordinary developments of recent years both sides (unintelligible) has been the non-party campaigners. We in the coalition work jolly hard, we thought, to try and deal with that. But given that for example in the run up to the start of the European parliamentary elections, the non-party campaigners were outspending the parties tragically in this field (?). I assume that you are as well aware of what's going on there and as interested in what they're doing as the parties.

Steve Wood: Yeah I think we put the parties at the core of it in the most direct way that voters are reached with political messages during the election period and obviously they are spending the money and commissioning and using these different online services to target the adverts but **I think we are aware of that point of a number of different actors who are in the political space who are pumping more money in so we've got an investigation running at the moment into a group called mainstream network who ran a number of pro-brexit messages in facebook ads over the last few months. You know we've - it appears you know spending into the hundreds and thousands of pounds so we've actually got a live investigation running into that which is perhaps an example of the area you're thinking of. So I think those are often characterized more as dark ads so its really unclear where those ads are coming from - and we're in the middle of an investigation - we're actually using our statutory powers also we've been on record about this publically with the DCMS committee but we've served information notices to get information from facebook so we can understand who was directing those adverts and how individuals data was harvested from the adverts because also we're asking people to sign up provide an email address and then that data might be used in an onward fashion. So does- I think you're right the risks sort of can proliferate in terms of a number of different actors in this space and i think what we've learned from investigating the referendum as well is - its a different space compared to an election in terms of different number of actors and I think that can certainly be something to think about for the future if as a country we have more referendums about how the data governments and the oversight works for referendum campaigns for groups who may set up and then disappear. When the recommendations we made as well as there should sort of be a third party audit before the campaign closed down to make sure all the data governance is done properly as well but thats in our..**

Lord Tyler: I think Stephen and I may disagree there, I think we are just as likely to have a referendum in the near future as to have a general election. See also on how the MPs don't

seem to be very enthusiastic about elections and that. But given that, before the campaigners are officially designated by the commission there's a period of very influential online activity before 2016, and that is frankly going to happen again. And these are people who can come and go and disappear

SW: I think as well the point we make is that we're lucky in a way with our remit, because it's a general protection remit, we're not bound by election periods so we're on this 24/7, which is why we're continuing this investigation into the mainstream networks so for us, we can look at how any organization is using data for political purposes at any time if we've got the intelligence we want to go with and look at it so that's the one benefit we have with the General Election data protection law because it's constructed in that way.

Deidre Brock: Can I ask - do you think, or can you tell us what the ICO is doing about sort of future-proofing? Because I'm thinking about something - evidence we received from all this about WhatsApp its heavy use in one election I think in India, the Indian election, and that being a sort of closed international system and very you know very difficult to scrutinize and very - clearly things like this are gonna be coming up all the time, So I'm interested to hear what you're doing around that.

Steve Wood: Yeah I think it's a fair point that we could easily just get too interested in one platform therefore even a lot of our activities last year were focused on Facebook because of the interaction with the Cambridge Analytica scandal, but I think you would have in future a number of different platforms maybe utilized in different ways depending on the way the campaign has seen their ease of use - if some platforms were becoming harder to use because of certain types of practices - the platform maybe puts in place people who could shift which is why I think it's important that it's horizontal we don't just focus on one platform. I mean WhatsApp particularly has proliferated in certain countries, I know it was an issue in Brazil, I think WhatsApp have now put some constraints on that in terms of the size of these WhatsApp groups which can be used to target people but I don't think we've seen a large proliferation of use of those tools but if we think about other emerging platforms like Snap, that's very popular with a younger demographic of users so it's very important these messages go across the board to all the platforms about their responsibility. So the draft guidance/code, what we're gonna put out next week, will be sort of platform neutral we won't be talking about Facebook we'll be talking about how different political actors use platforms in general terms so that our guidance is applicable, really the sort of key concepts and principles which could be applied to a number of different situations. But the challenge for us as the regulators is keeping up with the Tech so we've got..

Deidre Brock: I know.

Steve Wood: We've got like specialist forensic investigators so really we learned a lot I'd say from the investigations over the last two years they were the biggest investigations we've ever

undertaken, we had 50 ICO staff, **we seized 700 terabytes of data from cambridge analytica which is a large amount of data we've had to crunch through, we've had to learn in a lot of detail how the different platforms work to microtarget so its important that quite a lot of our resource goes into that side of making sure than when we look under the bonnet we understand whats going on there.** So I think it's sort of a good question and a pertinent point to raise the nature of the changing tech. The other important thing to look at if you haven't looked at it we commissioned it for demos its like a companion to our report but that sets out - we've sort of asked demos to question where could this go in sort of five to ten years - and particularly it was Jamie Barber, I dont know if you know the author whose written in this area he led some of that work at Demos and he put in that sort of future gazing, also looking at whats happening in the US because it is a bit more advanced there in the way its proliferated in terms of where it could go.

Stephen: Demos is giving evidence next Monday.

Steve Wood: Perfect, it's all coming together.

Deidre Brock: I just wanted to - you mentioned that as a result of GDPR you can now impose up to 17 million pound fines, and we've just heard about facebook and their fine of 5 billion, and then their share prices went up on the back of that. I mean 17 million yes that's a significant chunk of money for most people but would you like to see that raised?

Steve Wood: For corporations as well it can be up to 4% of global turnover, yeah so that's the other point. **But the message from us as well is that fines alone probably won't solve these problems we think certainly from the angle of data. Also I think when we're thinking a bit more generally about how the risks are proliferating for people online in terms of how their data has been manipulated and used and the aggregation of data the platforms have and the power they have its probably gonna need us to use our powers so we've also got powers to order companies to stop processing data. So some of this actually in terms of - these are slightly wider issues about how the whole online economy works and how people's data is used and it will probably need to lead to an evolution of business models as well. So fundamental change in practices won't just come from fines, fines are an important level and tool because you [unintelligible] serving a large enough fine you get a message into the boardroom and you set out the magnitude of what someone's done so we'll always use fines in certain circumstances but we've got other tools available to us. So ultimately as well we want to be outcome based so how do we actually change the behavior of those who have done wrong. That's why we also think it's important that the parties - we're actually doing these audits so we actually go in and look at what the different political parties are doing and actually provide practical input into what they need to do to change the way they're using data as well. So it's probably a joined up use of tools for us is the mechanism, and the fine as well for us is not about putting an organization out of business but about serving a dissuading and effective but proportionate tool as well...**

Stephen: So just final question from me on trolls and bots - is that in the scope of what you do?

Steve Wood: Its less - its less in our sphere because we're particularly focused on how individuals personal data is used. **So particularly where you've got issues about sort of trolls and bots particularly coming from state actors or from other parts of the world- that's more potentially more of a sort of a cyber sort of resilience type risk which I know other parts of the government are looking at in terms of I think NCSC and the cabinet office are also looking at those areas. There's also the work that the government set out in the online harms white papers also going to that area in terms of disinformation and the new online harms regulator may probably take more of a role in that particular area. What we have flagged up actually about the online harms white paper was that it didn't say enough about data in elections actually so that was a concern that the commission has set out a little while ago.**

Stephen: Ok fantastic thank you very much.

Kyle: Can I make a clarification?

Stephen: Yeah of course go ahead.

Kyle: Do political parties have any explicit exemptions under the GDPR in terms of what data they can hold?

Steve Wood: No I think that's - there are no explicit exemptions but I think it's a bit of a myth sometimes that we will be seeking to clarify that in the guidance **so rightly in the data protection act of 2018 which implements the GDPR in section 8 theres like a condition which means that political parties don't always need to look for consent to use data so there's an alternative to consent which is essentially if the processing of the data is necessary for democratic engagement they can use the data but its not an exemption its just saying as political actors you don't have to get consent you can rely on this alternative legal basis but you still have to comply with things like the transparency requirements, giving people the right of access for their data I think some, sometimes refer to that as an exemption, but we need to sort of myth bust and sort of explain a bit more about that. But I think its right that there is that provision in the data protection act because democratic engagement is a vital important activity therefore parties do need to use data to some extent, thats why thats there, but what we'd say is its not a get out of jail free card, theres still the concept of necessity means proportionality therefore that should be guiding what the parties do.**

Kyle: And then my other one was about - I mean you talked about third party data audits after elections, who would you envision doing those audits?

[30:15]

Steve Wood: In terms of audits of parties, we're gonna conduct them ourselves. What we're also saying is that particularly after referendums we made a recommendation in the report to highlight the concerns we had actually in the investigating of some of the actors because they actually shut down really quickly. So what we're saying really is **there should be an obligation on them before they wind the campaign down they should bring in a third party auditor to actually assess what they did with data during the campaign and make sure the data is either deleted or put beyond use and there's that full audit trail. That was a recommendation we made but at the moment it's just a recommendation so there's no sort of statutory requirement or underpinning on that but it's - the useful thing for us was just teasing out the difference between elections and referendum campaigns.**

Kyle: Right, ok.

Stephen: Thank you, over to the electoral commission.

Craig: Well good morning, thank you. And can I say that we really welcome the work of your party group. Clearly this is an issue which is very close to our hearts. It's something we've worked on intensely for a number of years and it's great to see parliamentarians providing a kind of support for our agenda so thank you. Obviously we were set up by parliament nearly 20 years ago with three main roles. One to oversee the delivery of well run elections and referendums, one to regulate the flow of money around the political system, and the third to effectively keep an oversight of electoral law and to make recommendations to parliament and government whether we think the law needs to be changed. And this is obviously the main issue raised in front of us today in terms of digital campaigning. It's something that like others we've been looking at much more intensely since the EU referendum, but actually our interest in this area goes back as far as 2003 which was the first time that we made a recommendation about digital imprints being brought into law so it's something that we've looked at for a long time although our interest has obviously grown in recent years. **Our base position on digital campaigning is that actually it's a good thing, and I think it's really important for us to keep saying that. Digital tools provide a really important new way for political parties and campaigners to reach audience, reach them with their messages and actually engage them bilaterally rather than just one way. But that's obviously if they're used properly. And ninety nine percent of the time we have strong compliance within the system. But what we're obviously looking at is the outliers here, and that's the particular place where we've been focusing our attention and that led up to our digital campaigning report which we published last summer although obviously we've continued to monitor the issues as well, as the last years gone on, and looked at ways in which we can continue to make sure that we're finding new ways to address issues that have arisen or indeed look for new issues as they come up.** You talked about data and money in your introduction,

obviously we're the money side of that, following the money is the basis of our system we're a financial regulator fundamentally, so when we're looking to work in terms of digital campaigning we increasingly collaborate with others to ensure that we're drawing in best use of expertise, particularly from around the public sector, so that we're making best use of the expertise that exists in the public interest. So actually you know we have a great working relationship with the ICO which we really value and appreciate, similarly the NCSC for example who you mentioned on cybersecurity we work increasingly strong with them, and also we look forward to the new regulatory of online harms - which the DCNS has proposed and - to working with them and we've already put a submission in suggesting that that system needs to bake into it - collaboration between that regulator and us on the type of misuse that we're talking about today.

A really important point for us as well is that reform around digital campaigning sits within a much broader agenda of electoral law reform which is needed and we've had many long conversations about that - there's a huge range of things that need to be changed to make sure that our democratic processes and elections are fit for purpose. We've obviously got one specific issue to look at today but to us there's a much broader agenda. So just picking off your three headings hopefully helping to give a little bit of an intro to where we think changes need to happen in each of those areas. **There are legal changes which are importantly under each of transparency, deterrence and monitoring - but that's not to say that in making the case for those, we're sitting back and waiting for the law to be changed. In each of those areas there's actually lots of things that we're already doing to change our processes where we can to make sure that we have been more fleet at foot, more proactive to regulate in each of those areas.** So in terms of transparency, obviously we talked about imprints, that's a really important thing for us and we do see that as a low hanging fruit which could be achieved relatively easily. **A key change as well would be changing the spend and return categories which are currently specified in law. It would be great to see that requirement require more detail be provided in spending returns so that we and members of the public are able to see much more granularity about what spending is and how it's been targeted. And then the ad libraries that we've talked about - actually some of the social media companies have stepped up really well to do voluntary action in this area. But there are deficiencies, there are areas where they could be improved, and for us and for voters, there are really important areas where they could be standardized and made much more easy to use so we think actually changing the law to make those a requirement, to make some specifications about them, would be a really important step.** In terms of the things we're doing, actually public awareness is a really good example of where we're doing much more to try and raise awareness once the public have - of what they need to consider when they're looking at political advertising in the context of elections and referendums. **In terms of deterrents there's a lot of work that we do to encourage more compliance, one of the important things for the group to be aware of is the work that we are doing in terms of introducing a prosecutions capacity to the work of the commission, at the moment we don't take forward our own prosecutions, but it's absolutely within our gift within the law to do so. It actually is the bread and butter of many other regulators so actually it's the natural progression of our work to just step out a bit further and start doing some of the low level prosecutions where actually the police**

simply don't have the time to be able to take them forward. That's something which we're gonna be bringing forward for consultation in the autumn with political parties and other interested bodies. So that's the kind of example of the things that we're doing to improve work in this area. But in terms of changes to the law, **actually looking at our sanctioning regime is a really fundamental part of this.** We do look at the ICO with some envy, actually it's well known that our limit is 20,000£ per offense, I think we - our position is that you know that is a cost of doing business actually for a campaign or political party that looks to breach the law. So actually significantly raising that cap would be immensely helpful to us to make sure that we can use it as a tool to ensure compliance. Also there are a couple of ways in which we'd like our regulatory powers to be increased. A really important part of that is the ability to go in and obtain information and require provisional information from bodies which are not regulated by us. At the moment the regulation provides for us, for political parties and campaigners, and then during an investigation, when we head into that very formal process of investigating the suspected wrongdoing, we have a broader remit. But actually in the assessment phase which comes before which is really important for us in terms of the real time monitoring aspect, the ability to go into for example a social media company and request them to provide us information about who is funding a campaign for example would be really helpful to us in being able to speed up the regulatory activity that we take forward. And then onto monitoring, as I say the ability to obtain information would be really important part of that, and also again back to ad libraries, actually they are providing a really useful tool for us. During the European parliamentaries we were able to use them to really understand some of the detail of what was going on, who was spending what where, it was very - it was disappointing to us not to have been able to participate in the European commission's work in this area. They learned a lot of work in the lead up to the polls across Europe, but obviously because the UK wasn't participating, we were not round the table. So that was disappointing, but we have been able to learn some other things from their experiences afterwards. We are as well asking for those regulatory changes, doing a lot more work ourselves to deliver real time monitoring, so actually using the ad libraries and other aspects of our work to go in and regulate and talk publicly about the regulatory work that we're doing. So for example actually having gone into the Brexit party to examine their financial processes, that's probably not something that we would have talked about publicly a few years ago. Actually I think it was really good for us to be able to talk about it publicly for people to know that we were doing it and to see that there was a body who was acting in their interest. There's one thing which doesn't really fall into those three specific areas. But it underpins a number of things which we're looking for, which I know the group is interested in. And that's the split at the moment between the party and the candidate regime. **At the moment, we have this kind of two part structure where we regulate at a national level what parties and campaigners are doing, but actually candidate expenses in an election are regulated by the police effectively.** And that creates a disjunction which is really unhelpful, we think, for parties, for the candidates themselves, for the public to be able to understand how things are regulated, where they go to complain and also for transparency. Just one example would be that actually we have an online system where any member of the public can go online and see what parties and campaigners have

been spending in an election or in a referendum. If you want to see what a candidate has been spending, you'd need to go to a local authority, speak to the returning officer, and probably consult a hard copy of the records. We don't think that's good enough, and that's just one example of how we think bringing the candidate regime under the control of the commission would be a really helpful way of making the system fairer and much simpler and more transparent.

Stephen: Thank you very much. Just on that last one - do you think the whole system should be put online as well?

Craig: In terms of spending returns?

Stephen: Yeah. Both candidate and national.

Craig: That would be immensely helpful. I mean actually transparency is a core thing for the commission so we're never gonna argue for less transparency. Actually its our system which we currently have which we're actually reviewing at the moment, we'll be updating next year with a much more accessible online portal which will be easier to use for parties and campaigners but also for the public. Actually downstraight (unintelligible: 40:36) transparency can really help trust in the system. Journalists go in there, they use it all the time they're constantly phoning to our press office asking for clarification about details. And there are examples of where actually that system has flushed particular issues out which have then become either a regulatory issue, or something in the media. Having that kind of exposure for the candidate level would be immensely useful.

Stephen: That would be helpful. Paul mentioned earlier this issue of all these new organizations springing up that aren't political parties, which call themselves all sorts of kind of relatively bland names I suppose "Britain first," "Britain's Future," "Best for Britain." Can you say a bit about registration of those? So we took some evidence yesterday and one of the panelists said that since 2014, only 31 organizations have registered with the electoral commission. Organizations that fit this description which are not political parties but which are involved in political campaigning.

Craig: Since 2013??

Stephen: Since 2014.

Craig: 2013... I don't think that can be correct because we had - I'm remembering - 120 non-party campaigners registered just for the referendum alone. But we can certainly check on that data for you.

Stephen: Yeah. I don't know which category it was a sort of passing comment that was made yesterday, I don't know maybe there are different categories but there was a concern around

the way in which organizations which are not political parties but which clearly have a political agenda are just growing like topsy. What are your views on that? Should registration be compulsory? Registration with yourselves.

Craig: So I suppose an important point on that is that we look at regulated periods in the lead up to polls. **So actually outside a regulator period, what non-political parties are doing to campaign around political issues is not currently within our brief. Because what we're looking at is where people are trying to influence a vote at a particular poll. We have made some recommendations about whether the regulatory period should be extended to cover more length of time of activity. When a poll is scheduled, clearly there's sometimes an issue where a poll is not expected, so for general election, actually if that is called outside the remit of the fixed-term (?) Parliament act, there is a backdated regulatory period of a year, political parties generally use - my understanding is that they work on the basis that an election might happen so they keep their accounting up to scratch on that. Non-party campaigners don't do that. And actually one concern which I think we need to bare in mind is that, for the charitable sector, who might want to legitimately campaign the lead up to a poll, they're not keeping their accounting up to the scratch of the kind of financial reporting thats required for us, constantly.** Because that wouldn't be approved use of funding for them. And they have expressed significant concerns, directly to us and publicly, about the chilling effect which happens for them, particularly where polls are unexpected or when multiple polls happen in succession. So I think that, as with many things, there's a balancing act between the transparency that's provided but also the potential stifling effect that that can have on public debate.

[44:15]

Tom Hawthorne: I was just going to say I think that particularly in the last four or five years we've really ramped up that monitoring approach that Craig mentioned, which means that **we're constantly looking out for organizations or campaigns that might need to register up with us if they reach the threshold spend and their activity is captured by the rules on election campaigning, so in the course of an election - pre-election period we will be in contact with a number of organizations to tell them about their obligations, to tell them what they need to think about in terms of keeping records and to ask them whether they need to register with us, because their spending looks as though they should be captured.** So, that's improved over the last four or five years and actually as Craig said, with the ad libraries and the monitoring of data that social media companies provided more of, thats been really helpful for us to pick out much more detailed data to look at who might need to register with us.

Stephen: Because that links through to the digital imprint issue as well so where you - there's so many of these facebook ads coming in and you don't know who has funded them and if they're not - if its not a registered organization, where does that organization - sort of you know - is it just in a vacuum without anyone really knowing who they are?

[45:15]

Craig: One of the really interesting things about the way that the [unintelligible] regime has grown up in terms of the voluntary activity of social media platforms is that they've actually defined what is political much more broadly than our regime currently does. So we've - we are very much about influencing the vote in the lead-up to a poll, in a particular period. They've actually broadly - there are some areas where there isn't enough of an overlap - but broadly they've actually gone for a much wider definition, particularly in terms of time period. I mean one interesting by-product of that is that actually our public awareness activity to get people to register to vote is caught within what they class as being political activity. We have obviously no issue about being transparent, we fully support that and we want our advertising to be clearly badged electoral commission, but what it meant was that actually when we were wanting to place adverts to encourage citizens who were living overseas to make sure that they were aware of the responsibilities to register to vote, we weren't able to do so because we didn't have anybody based in the territory where we were wanting to advertise. In some ways it was a really heartening example of the system working. That they've actually made a lot of effort to put controls into try and put foreign - to control foreign influence in our elections. Unfortunately we slightly fell flat on that we're talking about how we can move around that with them. **But actually having that broader definition of what is political, I think is actually quite helpful for the voter, because I think it will get more organizations in the habit of putting that kind of information on their advertising just as a matter of course, rather than thinking, "actually we've got to do this in an election period"**

Stephen: Just another question I had on donations. So this 500£ issue. What would be your - in an ideal world, how would you deal with that issue? Should it be that information should be made available for any donation over 1£ or 1 pence? Or would you set the bar at a different level or would you change the way that the information should be made available?

Craig: So I'd like to pop to Tom to go into more detail on this, but I think this is one of the issues where there's a balance. **Actually putting a huge burden on political parties and campaigners to check permissibility if you were going to go down to 1£, that's going to create a very, very large burden administratively, which isn't necessarily going to deliver the kind of confidence that we need from the public against that cost. So actually I think we have to make sure that where we are setting the threshold, is one which is proportionate to the influence which is what we're effectively trying to stop. So we're trying to identify where people are exerting a disproportionate influence on a political party, on a campaign, on campaign messages, and actually setting a threshold which is at the right level, which is not creating a huge administrative burden, particularly at a time when obviously we want political parties and campaigners to be out talking to voters, potential voters about their messages.**

Tom Hawthorne: I was just going to add in I think it's really useful to reflect on the fact that parliament has had a really keen interest on this figure throughout the life of the regulatory framework. So when the political parties in referendums bill was introduced in 1999, the figure, the threshold figure that was set when the act was introduced was 50£, and that was consistent with the recommendations from the committee on standards in public life. As the bill progressed through parliament, that was actually changed to 200£, because of concerns expressed by the political parties about administrative impact of requiring checks to be carried out on all of those donations other than that level, and then in 2009 government introduced changes in parliaments approval to raise that to 500£. So there has been that key debate about "whats the right level?" The direction of travel has been to increase the threshold rather than to decrease the threshold, but obviously times change and maybe theres more of a debate that needs to be had about whether it continues to be set to the right level.

Kyle: Even 2009, the volume that would have been coming in online would have been far lower and that's the new threat, you could just set an automated function to donate 499£ over and over and over again for a website which is the risk to...

Stephen: Yeah I mean we've been really struck by some of the statistics around the Trump - the American election where some 63% of Trump's overall campaign fund came from donations of under 500£. Twice as much as Obama secured. Does that not ring alarm bells?

[People talking over each other, unintelligible]

Kyle: ..that came in within a 36 hour window.

Craig: Well yes, I suppose the important thing to remember is that this is one piece of legislation which is actually future-proof in that what it does is it places a responsibility and duty on the political party on the campaigner to ensure that it has the right processes in place to ensure permissibility no matter the level of money, no matter where its coming from, if its coming in a cheque, if its coming in via paypal or if its coming in crypto currency. The responsibility sits with the political party or the campaigner to check that permissibility and ensure they've got the processes to do so. And that was actually the conversation we were having with the brexit party, was what are your processes that you have to ensure the permissibility of these donations? And that the people who are donating under, that you are looking for signs of things which are not appropriate or where the system is being misused, where somebody is trying to get around the system, however you may ensure that you are able to identify that.

Stephen: Thats sort of where the overlap is between transparency and deterrence because if the sanctions for the political party not doing what it should be doing to supervise those small donations aren't sufficiently severe, they will just - they'll take the hit. I mean that also - what - on sanctions and on deterrence, can you just say a little bit more about what your sort of ideal world there is. What are you asking for in terms of - clearly I think

everybody agrees the 20,000£ fine is ludicrous, so i mean what do we do there? What would be your proposal?

Craig: So we haven't set a figure effectively as our wishlist of where we want the cap to be. We'd like that to be a discussion with parliamentarians, but something north of 500,000 is where we'd like to start. Actually anything below that really we don't think gives us the kind of latitude that we need for some of the more egregious breaches that we have seen and that we risk seeing again.

Stephen: And you're applying that to political parties but also to anybody else, some of these sort of new amorphous organizations that (?) is bringing up. Would they also be subject to that or ...?

Craig: So that would be the cap, that would be the ceiling.

Stephen: So whatever for whichever actor?

Craig: Yes. But effectively we have an enforcement policy under which all of our sanctioning happens - that's the document which has been consulted on with political parties - actually we're going through a cycle at the moment of consulting on the document again because this is the vehicle for us extending to prosecutions, and that document is the thing that provides the framework for our sanctioning. And what we're saying is that what we want the cap to increase, its not saying that actually we're gonna be hitting that mark often if at all, because actually we would hope that we could ensure compliance, that our monitoring process would work at spotting breaches before they became egregious, but actually what we want is that stick in the bag. So theres actually, if it gets to the point where serious breaches have happened, we're looking at the matter after the fact, we can go in with something that's proportionate. Because obviously we're thinking about political parties that can spend up to 19 million as a general election, the kind of figures that we see that designated campaigners are able to spend in a referendum, and actually having something that's proportionate to that is what's important.

Stephen: So your view would be on the 500£ donation thing, you can leave 500£ as long as the sanction for not managing it properly is sufficiently severe, rather than...

Craig: I think that... Yes, i mean youre right that the two things work hand in hand. I think in terms of where the cap is, we don't really have a decision on that at the moment.

[54:06]

Tom: I think, as you pointed out, that **we really need to keep looking at the data that's coming in and looking at the impact that has on transparency. So if we're starting to see an increase in proportion overall of funding for political parties and political campaigners, that really hasn't got that transparency because it comes in at that level, then there's a big impact on transparency** and (unintelligible)

Craig: A really important part of that is obviously looking at the most recent national polls so with the European parliamentaries, our work is really just starting on those in terms of the regulatory work, so we will get some of the spending returns in, in the next month or so, but actually for the larger parties and campaigners actually they won't come in for another 3 months after that, and that's the point where we actually get to look at the detail of what's been spent, so that we can really understand how the money is moving around, what the campaigners and parties have been doing.

Deidre Brock: Just one of our witnesses was talking about whether the geographical spread of expenditure is going to be included in terms of transparency and you pointed out that you know you can theoretically spend most of your national spend in one seat and I mean you can find that out obviously by going to local authorities and so on but really - is that something you are going to be spending more time on making sure that information will be readily available to the public and also the reasons - he was suggesting that the reasons (unintelligible) to give for expenditure in those particular areas should be requested as well.

Craig: So the side of this which we are spending a lot of time on is actually making sure the spending is properly recorded. In terms of whether it's party spending or whether it's candidate spending and making sure that there's - the split between those is well understood. We've actually got a code of practice which we developed on this area which we're actually going to administer next week. We've developed those in consultation with the political parties, and feedback from them is actually - we find these really helpful vehicles to understand in more detail how the split between the two can be policed, and we're hopeful that the minister will then bring those before the house and then will be made into - alongside the law. The issue that you raise about transparency though is something that comes back to that point about the candidate regime. At the moment it's not responsibility that sits with us, but it's part of what we would love to have.

Lord Tyler: There is a point of serious principle here. We've had this conversation before, so forgive me, but for others, there's a serious principle here, I mean we do not have a presidential electoral system in this country, we don't elect parties, we elect individual candidates. And I think it - frankly parliament - gave you an up-hand when we, at time of (unintelligible: 56:38) we didn't bring together the two regimes. We should have really seen it as being... so both in terms of your prosecution capacity, which I'm very interested to know that you might go there, because clearly the police can't cope with that, and also much more substantially in those whole issue that you're referring to, the mismatch between the regulation of the national parties targeting into a relatively small number of seats, and the responsibility of candidate natured (?) -

I don't do it anymore, thank GOD, but in the days that I used to trust my agent, they'd do absolutely everything for me, and now I'm beginning to look a bit woolly frankly, because if he or she, and they're mostly volunteers these days, does not fill in the return, they end up in court. We both do, candidate and natured (?). So I'm very strongly of the view we should be re-establishing that principle, which really goes back to 1883, that you can't buy a local election, you can't buy a local MP. So parliament has really got to get this sorted, and it's got to be pretty quick, we talk about the low hanging fruit but - this isn't low hanging but it's such a (unintelligible) cause. **The fact that you can now spend your national fund on a few seats to effectively change the whole plank to the next house of cards without it being properly recorded as though that's what you're doing, we get into a very bad statutory basis.** Now I'm noticing that you're going to be publishing some of these things next week when there may be other distractions there, I tell you, I wonder whether your timing is terribly good - but setting that aside for a moment, we really do have to find some way of - in very quick order as well, and this is why this report is gonna be so significant - we have to find a way of trying to rationalize this. **It's not just a little bit of tweaking on the edges of our electoral system, it's the whole of the integrity of electing individual members of parliament to the house of commons, which is truly representative.** Sorry.

Craig: No I think that's - you're exactly right. And actually the interwoven nature of so many of these issues is why we wanted to make the points in the opening remarks about the more fundamental changes to electoral law of which digital campaigning is a part and actually the responsibilities for the candidate regime is a key part for us. **Actually one example in terms of sanctioning, you pointed to the fact that there is this cliff edge between effectively an offense being prosecuted in courts or not at all. Actually by bringing it under the electoral commission's control, the ability to then have a civil sanctioning regime would mean that actually if there were breaches of candidate returns that an agent had taken forward which were just mistakes, honest mistakes, or were errors because of time, then actually we would have it within our power under our enforcement policy to take a proportionate response and to sanction accordingly on that, as we do with political parties.** So where political parties and campaigners might make that kind of small mistake, we can levy a fine of a few hundred pounds, that might be a similar thing we could do. Whereas at the moment, we see nothing happen up until that cliff edge of criminal prosecution.

Stephen: Ok, so more of a sliding scale. This issue of national and local of course is important in the context of the debate about digital campaigning, so given this huge increase in the use of facebook ads for example, how would you ensure that facebook ads that are actually quite clearly being targeted on winning a seat rather than fighting a national campaign - the spend on those ads and the transparency around them is anchored where it should be which is the local impact not the national. **Because it feels like there's a lot of shovelling of as much money as possible into the national campaign for messaging in the digital world, which is actually quite clearly local and about winning key marginal swing seats in particular.** I think that - that feels to me like an area where the ICO and - I'm not entirely clear where - whose sort of leading the debate on that so it'd be great to hear from you both.

Craig: So yes I mean I think much of it falls in our area, there are two particular recommendations which I think relates to the sort of (unintelligible) but I have points to add. One is **about the ad libraries themselves, actually if we can go in there and scrutinize what people are advertising, if journalists can go and scrutinize it, and actually if political opponents can go and scrutinize it. You can then see, everybody can see, is this an ad which is legitimately targeting people generally on national party messages, or is it focused on a specific constituency? And then similarly the kind of changes that we want to see in the spending return criteria, where we want much more detail included, about what the spend is, so we don't want an invoice that says facebook campaign 4 or campaign 5, which doesn't tell us anything about the geographical spread of the campaign, where its targeted, what demographic it's targeting, what the message is. We want to see much more detail included in there,** so that actually again we, journalists, and other people who are interested can actually look at those kind of returns and say: hang on a minute how does this tie up with the advertising which we can see.

Stephen: What about using postcodes - so when you - with a lot of these facebook ads you put in a range of postcodes don't you? So could you just simply say right as soon as you put a postcode in, that is local spend, that can't be charged to the national.

[1:02:38]

Tom: And I think that's where - although we were really pleased with the progress that the social media companies had made in some of their transparency - the targeting of data is the one area where we want to see more progress, because thats actually, thats meaningful transparency for us in the regulatory role but [unintelligible]

Stephen: So would you agree that if there's a postcode thats immediately local?

Tom: If there was much more information about why the campaign has chosen to target a particular voter or group of voters that would be much more helpful for us, that includes obviously geography, it could include other things as well. Much more helpful for us to determine: is this campaign spending that should be regulated under the party rules, or under the campaign -uh- the candidate rules, and without that information i think it's great that... with - we can try and gather more information from the campaigner, it'd be much better if we could see that information up front so that we could take a more precautionary approach and use our resources in a better...

Stephen: and what needs to happen to facilitate that?

Tom: That's where action from the social media companies needs to come to - the next step is more transparency around - I think most of the targeting comes from..

Stephen: But what - do we sort of ask them nicely or? How can we make it happen ?

Tom: That's where we can see a real role from the online harms regulator that's been proposed to take up that role of ensuring that the social media companies meet the standards, and that those standards are built in from the start, and they reflect as Craig said the reality of the election funding transparency rules that apply in the UK. And so that they can use their new powers to supervise and regulate the social media companies in a way that wouldn't be for the electoral commission to try and take on that regulatory responsibility for the social media companies. This is we see a really important role for them, online harms regulator to help us do our job much more effectively.

Stephen: There could be a long time before this online harms regulatory is online.

Tom: Yeah. In the meantime, I don't think we'd ever sort of sit back and wait for that, we will continue the discussions with the social media companies and use our efforts collectively to persuade them that that's something that would be beneficial and helpful, and would help us to improve transparency and confidence, and after that [unintelligible]

Steve Wood: In the meantime, as well, in terms of the just moving to the platforms first, I have endorsed what the colleagues from the electoral commission have said about, there being a good start, a voluntary start, in terms of what Facebook and others have done. But there's probably, there's better levels of transparency which could be provided to better understand the targeting data, to give a more effective level of transparency. We obviously have jurisdiction over the platforms if they're processing personal data under the GDPR, so we have the ability to be able to investigate them to that extent. The position within the EU is just slightly more complex with the platforms, because we work on the basis of where the main establishment is within the EU for the big platforms, which for a lot of them is Ireland. So actually as part of our work as well we made a major referral to the Irish data protection authority under the GDPR because some of the alleged infringement we felt were there - were ongoing. So they were under the GDPR not the old data protection law where we did take some action. But we will continue to make sure the platforms uphold their responsibility in terms of transparency in terms of telling the public how their data is used to target them online including in the context of political ads. In terms of that national/local split our interest in it is really making sure there's an understanding of who is responsible. So data protection law sort of operates from the context of the data controller, so who is making the decisions about how people's personal is used, and well we're actually unpacking a bit and giving some examples in that guidance / draft code that we're publishing next week, is - we'll try to draw out some distinctions to when the national party is - called the data control - or whether it's actually a local constituency or a candidate, and we're gonna try and clarify those situations but then that's where the accountability will flow as well, in terms of how they've used data, but also **we're highlighting the importance of making sure the national party does have a very clear governance and oversight structure to make sure the whole of the party organization understands their responsibilities in respect of**

data, and certainly the parties themselves should be respond - should be appointing what's called a data protection officer, which is a new requirement of the law, we've gone in and actually met a number of these data protection officers since they've been appointed - when the requirements of the law came in - and last year as well it should get more set as sort of a kit, a clear point of accountability of someone who is overseeing how data is used in the parties, that will probably be at the national level, where the data protection officer is appointed, rather than at a local level.

Kyle: Can I just ask a quick -

Steve Wood: Yeah.

Kyle: So, obviously we have the online harms regulator, ICO, the electoral commission. It has slowly over the last couple years gotten more messy in terms of the different agencies that have to work together, specifically on elections and democracy. Is there - What is the ideal scenario? Is there a coordinating office that emerges, like the office for democratic integrity or something, that in that election works with all the regulators to ensure that everyone is on the same page around issues? Because I think the concern is sort of - bad actors will divide and conquer. You know they'll figure out how to violate one but appease the other and then get lost in the shuffle.

Steve Wood: You know I mean we worked more closely than we've ever done in the past in the last two years and we're working on a number of - an understanding to make sure we've very set out very clearly how we can work together and where appropriate in the bounds of the law we will share information about specific investigations with us through the gateways we've got in our laws to allow us to share. I think there's good potential in our ability to join up and I think as well before - several months ago, the electoral commission very helpfully, sort of called a round table, didn't you, with lots of numbers of different actors so we had Ofcom and a number of others who are interested in this space, so **I think some form of coordination and us getting together is very helpful, but equally I think our remits are quite distinct, that we're focused on different sort of core rights, and sort of fundamental issues in society, and those probably are quite distinct areas in terms of data and how money is used, but clearly they're getting closer together, we see those as quite distinct remits but we must make sure they work closely together.** The online harms regulator is what we've already been already been on record to say we would need to work very closely with them, as a regulator for us, cause we're horizontal we operate across all sectors who use data - so another example is we work very closely with the financial conduct authority as well you know that sort of financial regulation. We're working very closely with the competition and markets authority into their investigation into the digital platforms. So for us it's absolutely a crucial activity - is joined up regulator activity - is really important. But I think some people talk about: do you want just a sort of a super regulator and putting it all together, we don't think that's sort of a silver bullet or a universal panacea, but some form of a light-touch improved coordination, which everybody really knows their

responsibilities is probably important, but it's getting that to work in the right way, to make sure things don't become too heavy handed, we could equally - we need to be fleet of foot and work quickly, particularly in the context of elections from both our experience over the last year as well but ill let you say a few words about...

Craig: I can't remember everything you said actually but I think the - in some ways its complex but not messy. And actually we're working really hard to make sure it isn't messy. And actually the fact that its something - what we're talking about is specifically about elections, actually gives us a really clear sense of who owns it. Actually in this occasion, actually it usually is us. Certainly in terms of coordinating the activity. So the round table which Steve mentioned is something that we've had ongoing now for probably about 18 months, which was really following the referendum and all the discussion about whether there should be a truth commission, about you know disinformation. We called together this group of regulators and other bodies, so its Ofcom, advertising standards authorities, the main statistics bodies, we also have representatives from the broadcaster liaison group which represent all of the major broadcasters. Round table to talk about that issue, to make sure that we all understood each other's positions. But that's kind of morphed into much more of an information sharing group which does meet occasionally and actually in the lead up to the european parliamentaries once we knew the poll was happening, we called a meeting of that group to make sure we were all doing what we needed to do and -

Kyle: Like election COBRA.

Craig: Yep, exactly. Exactly. We actually used to be neighbours. And that's the kind of forum - we talked a little bit earlier about public awareness activity that could happen, and that's actually the forum in which those kind of issues will surface, and I would see on those kind of things actually there's a strong lead that we could take about communicating to the public about what they need to give them more confidence in elections. But actually what that campaign would probably do is draw together all the sorts of bits that are already going on, **so you know the ICO already has a really strong campaigning work, which looks at data and giving the public assurance about how its data is being used, but in a much broader context and we would look to draw that in, and - similar for how statistics are used - and for us it would be around you know who is spending that money to target them. All those things draw together, but actually doing work jointly in the public interest is going to be really important, and that kind of collaboration provides the forum for us to achieve that. At the moment really well.**

Kyle: That's good to know.

Stephen: Yeah I think Deidre wanted to say something.

Deidre Brock: Thank you. Listen, I've got a few just quick questions, really about micro-targeted local advertising and what discussions have been around the possibility of even - and this is largely based on witness' evidence to us, and just suggestions that have been put forward - about banning micro-targeting political advertising altogether. So, what discussions have been around that? Can you tell us more about what powers currently exist to take down political advertising that, in your view, transgresses guidelines, and how quickly that can take place? There was mention from one of the witnesses of a recent case in an Irish election of -

Kyle: The abortion referendum.

Deidre: Was it the abortion referendum, right, there were some concerns about where the political funding was coming from for that advertising campaign, and then there were questions asked about who would - that a group in that situation appealed to, I mean, under those circumstances, and the last one was - there was talk about trying - in order to do - the suggestion was made that in order to political advertising of any kind - this was the sort of quite specific suggestion - was that all those who administer an account should have to send in their passports in order to prove that they were actually based here. In an effort to try and get round the troll, the bot farms, and overseas trolling and so on. Sorry that's quite a lot but, yeah..

Kyle: I think the last point was that it's only Facebook who does the checks. There's no accountability done on Facebook checks - with who is advertising.

Craig: Yes ok, So just taking those in order and Tom you can chip in. **On micro-targeting, I think our main position on this is that actually it's about achieving more transparency not about stifling communication, and actually by trying to place some kind of a bar on political advertising, wherever you set that level, I think it would be - its quite harder in some ways to define what is targeting and what is microtargeting, where you draw the line. But actually it's about really making sure that there's the transparency that comes with all advertising within that category.** So that it's actually- the public is able to interrogate it, understand who is funding it where it has come from and why they're being targeted.

Stephen: That's an imprint issue as well, isn't it? If you've got the right digital imprint...

Tom: I'm just gonna chip in, I think the research that we do, that informed our digital campaigning report/recommendations last year, did **some research for the voters to try and understand what they thought about some of these issues, and actually they thought that targeting, in and of itself, could be really helpful for them, because it meant that parties were thinking about what might be of interest and importance to them, but they were worried about being sure about how parties were using their data. Also they were worried about misleading information so for them it was much more about the content and truth from us than necessarily the targeting techniques themselves.**

Steve Wood: I just have a little bit more on that as well. I think I was actually asked that question I was at the open rights group conference on Saturday about whether there should be a ban on micro-targeting and I responded in a similar way actually, to the electoral commission, that **I think the transparency aspect and making sure it's fair are the crucial aspects, rather than, I think, trying to balance everything.** You have to be very still - still very hard to regulate and pin down in any case and there are some other tools like the inference which should help as well but I think what in effect will happen is that certain types of targeting will essentially be regarded as unfair, and you can't do it. So, for example of very intrusive types of data analytics, you gather vast amounts of data you have someone's credit reference history, all sorts of types of data and then you infer things about people as well so you infer something about someone's religion and then use that to target them based on other characteristics. Then probably there will be a build up of case law which will say: if you do that, its likely to have a sort of significant impact on an individual, it might even really be seen as manipulation. Now that's likely to be unfair. So certain types of targeting - and we particularly know that facebook offer a very broad range of categories - you can target people on the basis of [unintelligible], Facebook call them interests, but they have an interest group called homosexuality, so you can target people in that way, but we've actually called that out in our report and that's one of the issues we referred to the Irish data protection commission, we're making sure the types of targeting that happen are fair because theres a number of quite sensible and straightforward uses of targeting which actually sometypes are based on sort of geographic characteristics and other types of information which we've seen to be quite expected and reasonable ways to use the targeting tools but theres other ways it could be used and therefore an outright ban is probably a very crude way which would - to the point which has already been made - would stifle communication methods to voters which might actually have an unfair effect.

Stephen: So will you be producing a sort of list of what type of targeting is ok and what isn't, and then sanctions for the illicit use of targeting.

[1:17:42]

Steve Wood: We're gonna provide some guidance about how the parties and the political actors should use those tools and that guidance we'll publish next week but that won't quite have a list of categories, we're equally as well - because its a combination of things, **it's also about the services but the platforms like facebook are offering to parties as well and its particular that aspect as well we want to tackle because actually that runs more broadly than political advertising, people can use those sorts of tools in other ways and there's actually been issues in the US about how it's been used to target information to ethnic groups on different issues such as people's rights to housing and all sorts of issues so it's actually a broader issue about the platforms as well.** So I think it's gonna take a while to tackle it - but we're - for us that's at the crux of it, because it's about the fairness and about how people's data is used in a way they wouldn't expect and it has an impact on them at the end of the day. So there is also a requirement in the law for any processing which

presents a risk to do something called a data protection impact assessment, and that will be an important tool that we're expecting the parties and other actors to be using to assess what the overall impact of what it is they're doing.

Stephen: Thank you.

Craig: Shall I just come back to these two about [unintelligible]. **I think this is a complicated picture and it would depend on what the issue was with the advertising which people wanted to raise a concern about. If it was something which was a potential breach of election law, they would come to us. Thinking about this public awareness campaign which is kind of gestating this idea of trying to draw each of the regulators together to aid the public and understanding where to send their complaint, that's the kind of function that would use. So they would come to us and we would then look at the issue, to raise it with the party or campaign, ultimately we've got the potential to issue a stop notice, to get them to cease a particular behaviour, that's not something which we've - I don't think ever - had to use - actually the threat of it has been sufficient, which is a really good example of actually where a deterrent can be provided by a legal tool.** Interestingly in some other aspects, facebook had us on the list, across the order, of kind of trusted organizations which they could go to with queries where either they felt or a member of the public had raised a concern about disinformation in advertising. Indeed they did contact us a couple of times in the lead up to the polls to say: "well this advertising has said a particular thing, either we think it might be untrue or misleading or a member of the public has complained, can you verify it?" So that's the really interesting thing i think of where things are happening outside of regulation to try and make sure that things are a little more truthful.

Lord Tyler: Can I just get back to the splendid visit to the Brexit party, which I think was significant on two accounts. Firstly, as you'll be only too well aware, the commission has been criticized, unfairly very often, on the slow progress of investigations and you were able to move extremely fast, so I think that was important and I think it was you who - craig- you mentioned earlier the fact that that was known, was publicized, was I think itself a very useful deterrent. **The more significant point was of course, that the PayPal method of raising cash is extremely difficult to then audit, isn't it. You can't see where it comes from. And presumably, you could paypal every day of the year your 500£ without you subsequently being able to see where its come from or indeed the party can see where its come from.** If that is the case, I hope that somehow or other you're going to prevent others following that example in the near future. Am I being over-optimistic?

Craig: Well hopefully I can give you some good news on this. Actually pretty much all of the political parties accept donations by paypal, but have configured the way that the money is coming to them and there are things that they require of people when they put are putting a donation in, to enable them to get the information that they need to ensure permissibility, so actually the tools are there in the hands of the political parties to be able to take the donation in..

Stephen: Regardless of the size of the donation. It's one size fits all.

Craig: It can be. Yes.

Stephen: But is it- are they using it? Are the political parties actually implementing it?

Craig: So of all the other political parties that we've looked at, so we looked at all of the major ones as part of our work in relation to the Brexit party, they were all - they all had sufficient processes in place to ensure permissibility. **What the Brexit party had done, was they had effectively said we are only taking donations over paypal up to the threshold of 500. So that's effectively meant they didn't need to, for individual donations, have those checks in place. But clearly what it left was a risk that they then carried that somebody would misuse the system and make multiple donations. One of the recommendations that we made to them to implement is to actually remove that threshold so that people can pay over, but then to balance that, to have the necessary information coming through so that they can sort of ensure permissibility, which is actually what all of the other political parties that we looked at already do.**

Lord Tyler: Am I right in thinking that **although in aggregate, you may be able to see over a period of time how much has come by that means, you can't at the moment tell whether it comes from 100 individuals or 2, and therefore there is a danger. But the parties tell me, indeed, that at the moment if they were to report every 500 pound donation, you could wrap-bag a pole over the coals (?) for over-reporting.** Indeed I think you could even fine them for over-reporting is that correct?

Craig: Overreporting... I think we'd have to have a look at that as a technical thing, but to come back to - the fact is your underlying point is absolutely right. We will know in aggregate the total amount that's received by the party through the fell underneath that threshold but we wouldn't necessarily know how many donations they received that built that up.

Stephen: What they've basically done - my understanding is - that you sort of put the ball very much in the court of the parties, and say here are the rules that you have to obey, and its for all donations, and if we find out that you haven't been doing it properly, there will be fines, but that goes back to this issue of the sanctions and the kind of desultory fines that you can meet out. So I mean I can understand that system but its kind of - **well the risk is that there's not enough of a disincentive for - and also parties, you know, who knows there may well be somebody in Moscow who decides to send in 10,000 donations of £499 to the Brexit party. And if that happens, you'd - I suppose we just need to be clear and confident that you would be able to see that that's happened when you go in and do an audit, and that the audit would happen automatically, and also that the audit would be a sort of dawn raid thing where they don't know it's coming.** Would that have - is that how you see enforcement of this?

Craig: So on that issue that is actually a power that we already have. If we felt that we needed to go in unannounced, we could do so and effectively having gone and got a magistrates warrant, a warrant from a magistrate to do so, it's not something that we have had to do yet. And indeed in this example it's not something which we felt was necessary, because what we were going in was effectively to look at whether the right processes existed. It wasn't a concern of the data for example would be destroyed before we got there, which is obviously where we'd want to have that kind of unannounced... This was much more looking at whether the processes and documentation was in place to make sure that they were assessing the permissibility in order to comply with their responsibilities.

Lord Tyler: And this is another area isn't it where candidate and agent in one hand, and national party on the other, have different reporting timescale. That's right and one thing that - and again the campaigning situation in a referendum where its alright to say the day after, you know, [unintelligible] may go. It sounds as if you've got specific recommendations to govern on that, is that gonna be part of what you're announcing next weekend?

Craig: So what we're doing next week is sending the codes of practice up to the minister for him to consider. In terms of other recommendations...

Tom: No i think in terms of deadlines, post an election, for spending returns in particular, there is three months for campaigns that spend under 250,000£ for example, and six months that spend over 250,000£, and given I guess advances in how campaigns can organize their spending, and can record their spending, we would like to see whether those two deadlines could be brought closer. Because once you get to six months after polling day, that's the deadline for the campaigns to send the returns to us, and then theres a period of time that we need to work through those returns to make the appropriate redactions before we publish them and begin investigations. So it might not be until seven or eight months after polling day that we're actually able to publish that information and make it transparent and available for everybody, so thats a long time from polling day, and we'd really like to see that be brought forward.

Lord Tyler: and its different again for referendums?

Tom: Referendums is roughly the same as for a general election, three months and six months.

Lord Tyler: Ok.

Kyle: And there would be - there is no way really to confirm that those donations didn't all come from the same person. Insofar as theres no credit card details stored, so it could have been the same card run over and over, just with a different name and a different email address, through PayPal, that's it.

Craig: It is possible for a political party to do that.. .

Kyle: Because it wasn't 500£ they don't have to confirm who the money came from as a permissible donation.

Craig: So what the party has to do is ensure that the donations that are coming into it are permissible. At an individual donation level, obviously over 500, they know they have to check permissibility. But their responsibility is also to ensure that under 500£, nobody is trying to avoid the rules by making smaller donations multiple times, so they do have to have processes in place to ensure reasonably that they've looked at those donations to ensure that the rules aren't being invaded. And actually that is what most of the political parties do, they do it all the time and do it well.

Kyle: Right, but if there - if you don't even have to be a citizen to give less than 500£, how are they checking, what is the political party doing to confirm that bob smith is not a pseudonym for the same person who has made 500 gifts of 499£. What I'm saying is, we're in a situation now where we sort of have to plan for the absolute worst actor, right? Which we, a lot of people didn't think was necessary even ten years ago. So I'm just thinking about how would I obfuscate this rule and if that would be a way to do it. If the party can sort of put their hands up and say, well we did the best we could, they're the one who broke the rule by, you know, cheating the system. If you see what I'm saying.

Craig: They could say that and they would be wrong, complete legal responsibility is on the party to ensure permissibility. I'm not an expert on the detail of how the systems work but I do know that paypal specifically in question does afford the processes to have that kind of information captured so that we can feel confident the party has taken reasonable steps. And again that's where the - it's actually not for the party to say whether they've taken reasonable steps or not, it's actually for us to say whether they've taken reasonable steps. Does that make sense?

Kyle: Ok. Yes I guess, just if you don't have to verify that the person's a permissible donor until 500£, I don't understand what the checks would be. Do you see what I'm saying?

Craig: I do see what you're saying. I mean I think the point is **they don't have to check on one donation, but what they do have to check is that there is nobody within that field of donations below 500£ who is trying to avoid the system.** So they do have to have some kind of process to identify whether the system is being avoided / evaded for those donations. Is that...

Tom: and it would be, names addresses and bank details, patterns of behavior that mean that parties can be confident that they're not getting multiple donations from the same individual, that would add up to something that went over the threshold and would give...

Kyle: Just seems that the level of work involved in that would be even perhaps more than just saying everyone has to be on the electoral role. Which would be a much simpler threshold as the tests were given, if you see what I mean.

Craig: It would be much simpler, yes.

Kyle: So we're talking about this threshold level but really actually its how its gonna be difficult...

Stephen: You could have a much clearer constraint on the source, and making sure the source is on the electoral role.

Kyle: I didn't have that conclusion at the beginning, so that was really helpful.

[laughter]

[1:31:20]

Stephen: It just - just to go back to that Trump example, I think 63% of his total campaign donation under the threshold, and most of it came in a 36 hour period, that would raise that massive alarm bell I think. We invited PayPal to give evidence to this inquiry and they declined.

Craig: Yes, and we have failed so far to be able to have a meeting with them to talk about the issues ourselves which is disappointing.

Stephen: Yeah, I think there's a big red flag there. One final question from me, going off in a slightly different direction, you've mentioned the idea of fact-checking and dealing with disinformation - where are you on that? Because i know thats an extremely difficult and complex - we don't want to be sort of limiting free speech but on the other hand and you know theres lies, damned lies and statistics. But on the other hand there seems to be a big push in society more broadly for having at least some sense of what is the truth. And that campaigners should do more to stick to that. So can you say a little bit more about your thinking in that area?

Craig: So it is something that sits outside our brief currently.

Stephen: Ah OK. Because you mentioned those round tables and things so I thought that you -

Craig: Yes, that was more about seeing effectively what could be done about it and whether we were able to point members of the public in different directions depending on concerns. We're very concerned that - we don't just say anyone in the public oh we don't deal with that. What we don't want to do is find a home for that [unintelligible] wherever we possibly can. So we want them to understand in detail, actually what ICO is able to deal with, what the advertising standards authority is able to deal with, what the statistics bodies are concerned in, so that we

can make sure we're directing members of the public, where we can, to the right home for their concern. And this I think is the idea of where this public awareness campaign might come from. So that we can actually say to people effectively: have you seen something in a political advert which you're concerned about? And then below that, is the concern something around how your data has been used? Is it something about not discerning who is spending money to influence you, or is it about the content of the advert, and directing that query off. But if its around content, it's not something which is our responsibility.

Stephen: So you'd sort of assign those to different agencies, the INS the IFS whatever it might be.

Craig: Yes and some of those things would be straightforward, and some of them would not be very pleased to have those [unintelligible] in their direction. And some of them actually draw the line very very distinctly. The advertising standards authority, for example, does not deal with political advertising, because they're a voluntary regime and their view is that they have to have the support of the regulated community, and at the moment the political parties have not expressed a wish to be regulated, so they, at the moment, step back from that and say well actually unless want to come round the table and be regulated by us, its not somewhere where they want to go.

Stephen: Ok thank you very much.

Kyle: [to Steve Wood] do you have any thoughts on that?

Steve Wood: In terms of the content, I think thats set out very clearly its definitely not within our remit. We've also pointed to those gaps in our democracy disrupted report. We didn't neccesarily recommend a solution to deal with gaps in terms of that point about the [unintelligible] but we think it does need to be discussed and debated.

Stephen: Well thank you very much its been very useful and helpful.

[END]

All-Party Parliamentary Group on Electoral Campaign Transparency
Transcript of Oral Evidence
Session 6

Held on 22nd July 2019 in Room U, Portcullis House

Attendees giving evidence: Jim Killock, Executive Director, Open Rights Group; Pascal Crowe, Data and Democracy Project Officer, Open Rights Group; Polly Mackenzie, Chief Executive, Demos

Attendees: Stephen Kinnock MP, Chair, APPG, Caroline Lucas, Vice-Chair, APPG; Kyle Taylor, Director, Fair Vote UK; Deidre Brock MP, Member, APPG,

Stephen Kinnock: (00:00)

Creating this all-party parliamentary group came out to back and that recognition realization of this, the regulatory system wasn't fit for purpose. And so we decided to hold this inquiry, which is going to focus on three main areas, really transparency, monitoring and deterrence. On the transparency side, very much around making sure that people know what is behind the message that they're receiving. Uh, how can we be sure that the money that's behind it is clean. And also that the data and the way in which they speak is shared, is transparent monitoring is very much about making sure that there's a system which in this incredibly fast moving, uh, situation, we've actually got a monitoring system that has, it is fit for purpose, where you've got the right expertise and the right legislation and the right regulatory capability. And then deterrence is very much on picking up on the concern that we seem to have a system which is only really able to administer - assess risk rather than actually have this incentives and punishments and reactions which are really going to help clean out the system.

Stephen Kinnock: (01:21)

So those three areas will be the subject of a report that we're hoping to produce in the autumn based on a very rich, diverse range of evidence that we've received from a whole range of stakeholders. Um, and from the Cabinet Office to the ICO to the electoral commission and then a lot of uh, academics with a real expertise in the area. And, um, you know, what we want to be able to do is produce a report that is uh, both looking at kind of the short term, let's say low hanging fruit that we can really go for, how to get things fixed quite quickly because there's an increasing risk of a general election coming quite soon. And we really do worry that trust in the system is already at an all time low. And if we have another general election on the faces of what we currently have, um, then we could either, you know, democracy is seriously under threat in terms of the erosion of trust that we would see. And then there's, uh, there's longer term

fundamental, more structural changes that we know realistically are not going to be doable very rapidly. But, which are no less important than those more short term quick wins. So that's, I think what the report's going to look at. We know that the government is doing a work in this area as well. I'm a keen not to reinvent the wheel, but we hope that our report be able to compete with what they do and we hope ultimately to be able to turn our recommendations into legislation, into changes

Stephen Kinnock: [\(03:00\)](#)

in terms of statutory code of conduct, et Cetera. So the way we run each of the sessions is that we just ask our panelists to give up a relatively brief overview of what you see are the main priorities, challenges and opportunities in your area of expertise. And then we just open it up to colleagues who were on the APPG for, for some Q and a. So Caroline and Deidre anything you'd like to add there? Um, so yeah, over to you. I'm not sure who would like to start, i don't know if you had a preference.

Jim Killock: [\(03:39\)](#)

Sure, so Pascal and I from the open rights group, we've been going about 12 years or have 3000 paid supporters who work on various online issues. So particularly online privacy, online surveillance and online free expression. Obviously this is an area that impacts on - particularly on online privacy, online free expression and very critical to handle on things about political advertising is about sensitivity around that.

Jim Killock: [\(04:10\)](#)

And the key insight for us is that, uh, you can sort of see this as an input and output problem. It's like the input is all personal data. The root of this problem, for us, is very much about the use and abuse of personal data. Um, and you can try to deal with it at that end or the end of the symptoms, which is the resulting, you know, malign use of data that adverts themselves. All of those things. And, and the way we've been trying to think about this in other areas about online advertising, we made a complaint to the information commissioner about the lawfulness of some of the techniques used in advertising and the ICO a couple of weeks back agreed with us that the sharing of personal data between different systems of ad buying looks to be unlawful. And they said, well, that seems to break every rule in the book.

Jim Killock: [\(05:10\)](#)

We'll give you six months to sort integrity. Obviously they didn't feel as a very satisfactory approach. Um, but in this particular - in the context of things like Facebook and so on where data is sort of held within one system, it's not necessarily shared between different actors. There's still a basic question, did anyone agree to be profiled

for adverts in the way that they are profiled and, and Facebook would claim yes you did. Uh, after we've, you ticked a box and said, I agree. We would say, no, you didn't. You agreed to be part of a social network, not a profiling engine. And the way that data protection rule has evolved, there is a strong case that actually profiling people without a separate consent to be profiled or potentially a further consent to be profiled for political purposes. If these consents are not available, they all rely on single sign up consent, then the whole thing may be unlawful.

Jim Killock: ([06:14](#))

And there are legal challenges on the form Max Schrems to kind of see whether that in fact should be [inaudible] really think about what you're after, which is to regulate political advertising. What this is saying is that the legal basis for the current model of advertising sales is itself unlawful at this point and nobody's been asked and therefore there is no basis for all that processing of data in that way. And that's pretty fundamental. And so that's kind of where we would start. Um, we would start from a point of view of trying to understand the data protection and privacy issues here and trying to address those, um, as well as they are going on and thinking about how the data was used. And I guess the other thing I think we would also throw in here is that, and this is going to be quite politically challenging, while it seems at this sort of first stage to be about the political consequences of particularly bad actors, I think once you start scratching the surface, you will find a lot of malpractice in every single political party that will be quite bad uses of data.

Jim Killock: ([07:19](#))

Um, and obviously this seems like the political exception exemption or we're just trying to sell out in greater use of data and less reliance on consent and so on. And those things will need to be addressed on that. That's going to, I think, be quite challenging. I don't think you can separate necessarily the worst people out from the people who are a little bit better. You've got to assume that everybody's got to abide by the same set of rules and actually data practices probably gonna have to be cleaned up across the board. On to Pascal, who will go into a bit more detail about what we're currently researching things.

Pascal Crowe: ([07:51](#))

So I'm just gonna speak briefly in reference to the three strands of things. APPG. I'll try and gloss over topics that have already been kind of endorsed or said in previous, uh, sessions. Um, so with regards to transparency, and it seems clear that the two main problems are financial transparency. IE who's paying for an ad, and that's transparency. Uh, how people's personal data is being used to target them and the lack of awareness

of amongst people, how that data is being targeted and how it's being used. Um, I'm going to give one brief example of the lack of financial transparency, um, on Facebook ad library. That is they ads the Brexit defense force who are the declared sponsors of ads on the Brexit votes matter page. This group has actually already been raised in the media as a problematic group and they actually had their own page taken down Facebook.

Pascal Crowe: ([08:43](#))

Um, but they've since resurfaced as the sponsors of ads on a separate page. Not only does the disclaimer on the Facebook ad, which should contain information about the kind of beneficial ownership of the ads not clear - it just says it's paid for by Brexit defense force - but it also shows that a bad group that's been banned from Facebook for breaching its guidelines, has seemingly been able to easily bypass the Facebook moderators. Um, and there's a, there's an interesting, just for the sake of balance as an interesting counter example called the EU flag mafia, um, who are essentially capitalizing on the market, uh, in order to sell paraphernalia like, um, the Brexit, vegetable growing survival kit. And they also has huge humorous example. But neither of these entities are listed anywhere, you can't find out who owns them, or who is actually behind all these things and the longest, some companies house.

Kyle: ([09:40](#))

Um, what was that second one? Sorry.

Pascal Crowe: ([09:41](#))

EU flag mafia.

Kyle: ([09:43](#))

Thank you.

Pascal Crowe: ([09:44](#))

And they market kind of flags and various products. So there's kind of two examples of how you can't find out who's paying for an ads on the current Facebook ad library. And in terms of data transparency facebook ad library provides very basic information about how you're being targeted, which I think has been covered. But actually the options available to an ad buyer are much more granular and you could target target specific locations, connections, demographics and interests. And you can mix that with additional data from outside advertisers to build the custom audience. So in terms of our recommendations on this area, um, with regards to financial transparency, um, the

electoral commission shouldn't play a part in deciding what is or what isn't a political ad, but the process by which platforms currently do should be opened up to public scrutiny.

Pascal Crowe: ([10:36](#))

Um, any political issue ad should be registered with the electoral commission and they should have a record of contact deals for the sponsor of the ad. And the reason for this is because registering with a company's house is actually quite a slow and expensive process and we think that electoral commission could expedite that process essentially of making it clear who is paying for an ad. Um, watermarks with disclaimers should include elements of this information and an easily identifiable click through to the electoral commission database. Um, and any database must be user friendly, clear and easy to use and widely available.

Pascal Crowe: ([11:12](#))

Um, and with regards to data transparency, um this has been said before but there should be information parity between advertisement and user for political purposes and it should be easily understandable and accessible. Uh, with regards to data transparency, there should be information parity between the advertiser and the user, um, as far as possible, and it should be easily accessible and understandable for users. So moving on with regards to deterrence, we think there are three kinds of rules, reasons why the current electoral regulation is not as effective as it could be. The first two have already been covered. So I'm going to slightly gloss over those. Um, one is the concept of the regulated period and there is no shelf life on social media and posts. Political content can be generated long before the regulated period and linger online. Um, now obviously the regulated period applies to, um, political content that has been paid for outside of regulated period, but used within it.

Pascal Crowe: ([12:16](#))

But what can happen is that, um, content can be shared organically online and it seems difficult to be able to parse out how you would regulate material that has been shared organically that was paid for in this content and production outside of the regulated period. So in a networked online environment, it's difficult to determine if shares are happening organically or not. Um, and a lot of conceptual effort goes into gaining organic shares and likes and making things, uh, shares seem organic. And in addition, third party campaign groups can come pop up and go out outside of the confines of the regulator periods without falling within the scope of the regulation.

Kyle: ([12:57](#))

So can I just ask a quick, just as a clarifying point so that what you're saying is someone could pay for the ad originally, then it's shared and after at that point it seemingly organic, but actually it was originally a paid for ad. So the spread is organic. It's origination is paid. Okay.

Pascal Crowe: ([13:16](#))

Um, there's also been, um, I think it was said in the previous session that the distinction between candidate spending and poverty spending is now essentially a cosmetic. Um, but I think what all of these point towards is that data and digital is all about making spending more efficient. Um, initially the committee on standards in public life, um, was seeking to prevent the arms race between campaigns for non-broadcast media advertising. And that was because the value of the campaign was located in how much money you could spend on getting an ad in the newspaper or on the billboards. But now it seems that location of value for campaigns has shifted to data sets and how you can effectively target and use your campaigns effectively. Because the use of personal data, it allows you to eliminate costs for those who you think would be unlikely to vote for you.

Pascal Crowe: ([14:04](#))

Factors such as share-ability and virality reduce the marginal cost of digital distribution to almost zero and technical innovation is driving down costs, for example, with automated content generation and AV testing. Um, so what we think would be a good way of, uh, capturing the value of data sets within the remit of the the spending regulator would be for the ICO and the electoral commission to carry out joint data audits. And this is similar to something that's already going on within the ICO, but we think it would encourage both bodies to fully carry out their statutory duties. So before the commencement of the regulator periods, um, the ICO and the electoral commission would have a joint task force that A. assesses the commercial value of datasets bought and sold before an election and have incorporated that into their spending limits, B. Doing a legal and ethical audit of data, Um, because most of the most valuable data is obtained, at least [inaudible] potentially might be unlawfully obtained. Um, and thirdly, the ICO and the electoral commission should reserve the right to do "drug tests" any time during the electoral commission to see if political actors are already doing anything unlawful or unethical. Um, I know that they both already have powers in relations to this. Um, and we think that could be more fully fleshed out in terms of their cooperation. Um, and there should be clear guidance for regulators on how they do that. Um, finally moving on to monitoring. Um, we think the need to, uh, reform laws immediately could be problematic given that during a campaign, parliament will be in recess, campaign will be underway. Um, I'm questioning if it would be appropriate for a reform of the law to be undertaken at that time. Um, but we, but we do think that the electoral commission

could create an expert group made up of electoral commission representatives and external stakeholders looking at electoral innovations, um, to discuss whether they are challenging or circumventing campaign goals. And this would at least allow the commission some opportunities for horizon scan.

Jim Killock: (16:15)

Great. Thank you. Thank you. Very tangible recommendations there. Thank you.

Kyle: (16:19)

And you'll submit all that in writing as well?

Pascal Crowe: (16:21)

Yeah.

Kyle: (16:21)

Great.

Polly Mackenzie: (16:23)

Fantastic. Um, so I'm Polly. I run demos, um, and we've done a lot of work looking at, uh, digital campaigning including an extraordinarily naive report, which we ran in 2014 saying that social media was gonna re-engage people in democracy. It's all going to be tremendous. Uh, which I wasn't involved in. So I can just say yes, it's so beautifully cheerful and optimistic. It's slightly depressing to think where we have got to. So, um, we wrote a report about this time last year, which was commissioned by the ICO. That was essentially a kind of a bit of futurology, looking at how, uh, how p how amped the advertising industry is developing and innovating and will continue to innovate over the course of perhaps the next 10 years and what we might expect political actors to do with those capabilities as they evolve. And that includes thinking through, uh, how voice recognition, uh, might be used to establish mood, for example, uh, sing into people via their voice enabled devices, the Internet things, how personal data would evolve far beyond what we have now, which is personal data to do with, um, all shopping habits and what we've looked at online to start to include the kind of stuff that this thing produces.

Polly Mackenzie: (17:36)

Uh, so you know, my heart rate, you can imagine a world in which people know that I'm trying to, I don't know, exercise. So they advertise the sugar tax policy to me or you know, a whole range of kind of personal innovations. So, um, I haven't got to the sort of, I mean, we've got our full report, which I mean, I can send over if you haven't seen. Um,

but I think what troubles me is actually, uh, the whole concept of this hyper personalization of political offers and campaigning. In that of course, a political party has lots of different policies and they may particularly appeal to individual voters in different ways. Uh, and that's okay. But on the other hand, at the fundamental level, democracy is not a consumer choice. Democracy is not me getting what I want. It is us getting what we collectively choose.

Polly Mackenzie: ([18:34](#))

And so as things are hyper-personalized you get, uh, into this situation where democracy is sort of chasing itself further and further away from a kind of common space and into individual offers offered to individual voters, which in the end can't be delivered on. And we saw that with the Brexit vote. Uh, even though obviously they won a majority, that's partly because at least three different Brexits were offered to different voting groups. And that enables you to get to the situation where something has won a majority, but we're not really sure what. Um, and that's particularly acute in a referendum, but I think it's really problematic for the future of democracy as a whole too. How do you get the sense of what the country has chosen if every individual person was promised an entirely different set of things? And so I completely endorse everything that you guys and other people who've come to give evidence would say about increasing the transparency of what it is that people are being offered.

Polly Mackenzie: ([19:34](#))

But I think we also need to think kind of at the very highest level, how, how can we limit that personalization as well by perhaps, uh, finding ways to protect people from being, um, from being targeted in these ways. It's interesting to think that in the UK we, uh, we took quite an aggressive approach in comparison, certainly to the u s of how we regulate political advertising, right? We don't have political advertising on TV. It seems to me that political go advertising on TV would be fantastic and better than what we have now, which is political advertising in these microscopic, uh, narrow casting actually broadcasting a single advert to the entire population or even 12% of the population would be a fantastic step forward for political parties cause they'd have, everyone would then be able to see approximately what, um, what people are saying instead of that, that narrow costing approach.

Polly Mackenzie: ([20:31](#))

So, um, I guess so the, the, that's my kind of overarching theory about personalization it undermines the very principle of democratic legitimacy in elections. Um, there are other concerns. You've talked a lot about privacy. We've done a lot of work at demos as well about fake news, which you've covered on a little. I mean, I think it's worth remembering

that the electoral commission has never really offered any recourse against lies in political campaigns. I once slightly misguidedly, stood for election as a councilor in Lumbough If I'd got 50% more votes, I still would have lost. So I didn't do very well. But, um, and there were literature saying that the Lib Dem candidate stole a council house and it was nothing I could do that wasn't a direct libel against me. You can't libel a political party. Of course, it was addressed to me on the doorstep and you know, it's a long time ago and I don't feel peevisish about it, but, you know, it's not just, it's not just on buses.

Polly Mackenzie: ([21:32](#))

It's in all sorts of ways that actually people saying stuff that is misleading on political leaflets and in campaigns has always been a problem that we have not sought to regulate for understandable reasons. Because who guards the guards? How do you, how do you create a system that polices electoral campaigning that isn't in and of itself, uh, on Democratic or unfair? Who, who would, who would choose that? Uh, nevertheless, it's something that I think is really troubling. Again, during the referendum, there were all sorts of, and I mean, obviously they lost by a long shot, but it's, uh, it's so even if there's shifted some opinion perhaps, uh, yesterday we would, would've lost anyway. But, uh, some complaints for protein by the yesterday campaign to the, uh, to the electric commission about some of the adverts from the no campaign and they were told, no, that's the job of the advertising standards authority.

Polly Mackenzie: ([22:32](#))

But of course, if you complain to the advertising standards authority, who are perfectly happy to tell us that we can't have, um, gender stereotypes in soap adverts, which I support, but they're totally happy to regulate that, but they're not happy to regulate basically just pathological lies being put on leaflets and on posters and billboards. So it's not just a digital new phenomenon. It's a, it's an endemic phenomenon. And in the end, one of the biggest challenges that we face is that we need to regulate spending and donation, um, beyond exactly what we do about the digital space. Then just I guess, um, one, one more thought is to just recognize the kind of imbalance of arms between regulators and the advertising industry and the innovations that it is developing on which political campaigns can, uh, can build in that, you know, the Internet has many virtues, but there are two ways on the Internet to make money without actually doing anything valuable.

Polly Mackenzie: ([23:38](#))

And that is to get into either the payments supply chain - value chain - or into the advertising value chain. And as a result of that huge wall of r and d money goes into

advertising innovation. The kinds of things that I'm talking about, you know, how do you spot somebody who's feeling a bit sad in order that you can sell them chocolate to cheer them up at precisely the right moment. Or, um, uh, I have to look to, uh, Amazon and Ebay who target people in the middle of the night with emails. Cause that's the time when people are more vulnerable, like all of that incredibly sophisticated and the regulators are tiny, absolutely tiny in comparison. You think about the size of the FCA in comparison to the financial services industry, and then you compare the size of the ICO with the data industry, which is not just huge, but growing at an extraordinary pace.

Polly Mackenzie: ([24:38](#))

It's obvious that they're gonna lose, let alone the electoral commission, which is a minnow in comparison even with the ICO. So the idea that of these regulators can keep up with the move fast and break things ideology of the advertising industry, which the political industry will exploit is simply for the birds. We need to find -again, it's a sort of macro level point for all industry, but especially poignant in the political domain is how do you create such a thing as an agile regulator. We don't know hold of the West is starting with this, but that's, that's where we need to go.

Jim Killock: ([25:13](#))

Great. Thank you very much. I'll just kick off. Please do jump in, Deidre and Caroline. I'm just thinking particularly about this issue of the digital imprint. And it seems, I mean I'm not an expert in the technology, but that seems to be the most obvious way to go to improve transparency is to every single online ad that you see has got a clear political ad has got a clear statement of who's behind it and who's paying for it. Um, do you feel that there's already a template out there that would work and how, how easy would it be to roll this out so it actually is, becomes illegal to not have an imprint?

Jim Killock: ([26:05](#))

Well, an obvious thing to look at is a companies as [inaudible] isn't it? Where when the registration details that you give to companies hang Saul displayed in a machine readable format where it's very obvious how you find that company you can very easily, um, and we'll all political out of need is a link to a similar standard of is by the electoral commission. And you know, you could just click and you suddenly have the contact details, the view it was. So I think that's actually just a capability that electoral commission need to build. Then Facebook need to integrate with that sort of fat adult stuff. But it's not, it's not hard is it?

Polly Mackenzie: ([26:48](#))

But I think the one of the challenges trying to decide if something's a political advert or not, uh, you know that the Iceland case about the orangutan thing, is that political or not, which then became controversial and then in the end, why should I not know who is talked to me for lipstick adverts to like, so I would be more aggressive and say, because it's so difficult to draw the line between a political and nonpolitical advert and knowing who funds organizations who funds adverts and who the beneficial owner of stuff is just fundamentally good. Uh, and an economy is just regular lepers

Jim Killock: ([27:24](#))

perhaps. I mean, you know, you could argue that with commercial, like that slot that's already in place. If you advertise the product, you go to the website, then you know, you're like companies, all sets of the website has to, you could come with these information.

Polly Mackenzie: ([27:40](#))

Yeah, it's true. But then that you then also get scammer boats with, you know, Marty Lewis, my old boss on that are selling fake blockchain stuff or fake, I don't know, diet pills. You, there's plenty of malice in online advertising, which is not lipstick by L'Oreal.

Jim Killock: ([28:00](#))

I think the question there is how is it that Facebook gall be Facebook continue? How is it the Facebook car that does take place to kind of a date is, it's kind of perplexing that at this point that the more the larger companies are taking a lot of money, I'm not able to police the people that are taking money from, I mean they, they, they shouldn't be, it shouldn't be something that they can do. It's harder when it's kind of, you know, spam in your inbox and fake covert, you know, fake websites are just throwing people naively. But when it's kind of in platform, you know, you'd think they kind of do a bet. You diligence.

Polly Mackenzie: ([28:42](#))

I mean, again, in my previous job we tried to post out adverts to recruit people to a community about mental health problems, uh, as part of the policy development process. And that was, we went through like 17 different integrations of the phrasing in order to get past phase Facebook's rules and regulations [inaudible] capable of setting complicated rules and regulations. It just, it's about how, I mean that's a good thing. Don't we put it to people with mental health problems, but again it's not, uh, it's not beyond that capabilities.

Pascal Crowe: ([29:12](#))

I think. I agree. I think the issue is not that I know we're all talking about Facebook and Facebook is still a one stop shop for political advertising assessment partner. Um, the issue is not that you can't show who's paying for an ad on the Facebook ads, it's that If you choose not to put in identifiable information, they don't follow up, I've got no way of enforcing it and their take downs can't keep pace with the speed at which these ads without any beneficial ownership information are going up. So

Stephen Kinnock: ([29:42](#))

if we took that more comprehensive approach that is proposing how, what kind of regulation would you require? It would require a legislative change to force the platforms to do this as a matter of [inaudible].

Polly Mackenzie: ([30:00](#))

It's like it's a know your customer requirement just as you have with money laundering. Banks do it. They're not allowed to take money off somebody and they must, they know who they are. Yeah. I mean you're probably right that you would either need to do it through the new, assuming that they go ahead online regulator, uh, off off Internet, what they're going to call it, a

Polly Mackenzie: ([30:22](#))

well straight new legislation that would grant regulation pass.

Stephen Kinnock: ([30:26](#))

Yeah. Is there anything, do you think that could be done more or are you suggesting is not, that is extremely difficult to distinguish or to identify that group that is Katie political maps that you end up with some blurred lines, but is there a kind of a, is there a way of at least picking the ones that are absolutely clearly with a political agenda? Or would you say it's best to just cash every single fishing event?

Polly Mackenzie: ([30:58](#))

Well, I mean I, it's easy to get the low hanging fruit, right? It's easy to say that if you are a political party or registered political campaigner,, then you have to go through this process. The question is if I am uploading something onto Facebook, what is Facebook doing to establish whether I am in some way one of those or if I'm just somebody else posting a political advert. What is the, cause the, the boundary of political for uh, on the, in the Iceland case was the fact that had been created by an organization who had a political mission rather than [inaudible]. Yeah, exactly. And so actually if Iceland had made to that exact effort themselves rather than bringing in food was agreed to be one

of the, I can't remember, it would not have been political. It's hard to understand. I'll draw that line.

Stephen Kinnock: (31:54)

Okay. And that's a major growth in the number of political organizations was getting physical properties. Yeah. There's a question about the registry ration of those organizations. Is that something that you've looked at as well in terms of what, how, how can you ensure that organizations that have a political agenda are registered as organizations? [inaudible] what more could be done there if the electoral commission, I think a, they haven't registry, but one of the things we've discussed is how few organizations are actually registered on that.

Pascal Crowe: (32:33)

I think the problem with the kind of third party campaign groups is it's incredibly difficult to know, um, often who is just an interested citizen who wants to get a message across and who is a kind of subversive astroturf group. And that's partly because the barriers to entry to, uh, participating in online political activity have been so massively lowered, by the growth of social media, it's so easy for an average citizen to take out an ad and have real impact and reach with relatively little money. Um, and so it's always going to be quite difficult to pause out. Um, the third party campaign groups, uh, citizen interest groups, astroturf groups.

Polly Mackenzie: (33:18)

And also you don't have to be a bad guy, right? To be a third party interest group to whatever a friends of the [inaudible] might want to say, you should vote for the Green party. Uh, and it's quite difficult for them to do that. Partly because it's a project listed probably to charity, all sorts of things. Again, I think often in this space we expect there to be, and I was sort of involved in the, what was it called, the third party political legislature we did in 2014. Um, is there a sense that um, bad guys will not to be able to advertise but good guys should and that is the view on both sides of the argument, which is a bit weird. I think people should be encouraged and enabled to participate in the political system in whatever way they choose included at party campaigners, including local people who just want to stand up for stuff. The question is how do you make that transparent and clear as to who those people are? So that, so that I as a consumer can differentiate between grasping straight tech.

Pascal Crowe: (34:24)

I'll think about another interesting example that we came across. So we signed up to all the Tory leadership campaigns. We receiving kind of vote voting for various candidate,

get out the vote initiatives. Um, so we're getting emails from Dominic Raab, Sajid Javid, all those guys, um, asking about how we could volunteer, giving them an email address. And after Dominic Raab's campaign, um, closed down, I got an email from him saying I'm backing Boris with like a link to the Boris campaign, a website asking me to sign up. So essentially, uh, a third party campaign has helped out another third party campaign group for almost no money just by using that previous history of my email address, encouraging me to click on a link. So even though they are wouldn't say coordinating but then working together and because there's been for money spent and send like an email out, um, as part of this that you've had for a long time, um, they're not currently being sufficiently captured by the, uh, by the electoral commission as a spending regulation when an actual fact, the cost of implementing that email should go against the

Kyle: (35:38)

expense limit of the Boris campaign because it's effectively campaigning material for the Boris campaign. Yeah,

Jim Killock: (35:44)

but you're suggesting it should be based on its value, not its cost,

Speaker 4: (35:47)

which it, there should be some kind of been cool. Right. Some of the fact that the fact that dominant ropes go up, let's say 10,000 email addresses, that should be way of putting a financial,

Jim Killock: (35:57)

well this is, this is tricky because at the same time there's supports his more qualitative information and good reasons for that. I think the thing that's probably most easy to [inaudible] to think about from a regulatory point of view is the data in Richmond. So you think of things like the Experian databases for, you know, coding up postcodes and then the, these are some points rather, um, you think about your sort of scraping of Twitter or Facebook for profile information, potentially automated profiles generated from that information to decide what kind of supports you might be. Um, all of those are enrichments that nobody particularly agreeing to. They've just kind of happened. So, you know, you might sign up to a party email list, you might have, um, you know, giving somebody your name and address or you know, on the doorstep. But did you expect that to result in your Facebook, Twitter experience data all being munched up in deciding exactly what they are worthy?

Jim Killock: (37:01)

You are for rare canvassing of support asking the donations. And so, and similarly the kind of political exemption, you know, rang consent and then there's causes similar problems because they're sort of related to a lot of people to sort of flood into the system and then have that data enriched. And then, you know, have they agreed to any of this? Probably not. Um, but it seems to happen. So they've come from a regulatory point of view. You can at least look at the indenture in Richlands as something that is cost money, has added value. Nobody consented to, um, therefore it is, you know, as part of the electoral practices that need to be looked at and regulated because they kind of suddenly could afford that. At this conference,

Speaker 4: (37:48)

the ICO last week said to us, cause I raised the political party exemption in the GDPR said to us that that is a complete misinterpretation and that is not what the law says. And the political parties do not have exemptions. And they're actually going through a process now of clarifying now with political parties to make sure they understand they don't have exemptions. But I think to the point that the fact of the matter is we all collectively thought they have exemptions. Um,

Jim Killock: (38:16)

so I think so, I don't know Decisely where they Spraberry, Lens Butler, I suspect it's more mental function, more as something for nps to work with their constituents and be able to communicate with their constituents about things they've raised to them. And that's why they kind of have an ongoing exemption for that relationship. I suspect those words meant to the draw in May also apply to kind of canvassing issues again for the low plan P and not none of that necessarily relates to the central policy organizations. So that may be how they're trying to distinguish that. But I'm, again, I'll be slightly unsure. Is High those boundaries operating the practice in policies, you know, now you have the [inaudible] separate that databases are on. Um, you know, is it realistic to say that an email that centered this way is really treated differently from an email at center that way?

Jim Killock: (39:07)

Um, I kind of think the core point is actually GDPR and straight to data protection is all quite new. And the likelihood of there being less say poor practice in political parties is extremely high. Um, so the question is to what extent, and I think you also have to add into that, that the incentives or political parties to use data in manners, which is fairly poor, is also this stuff is cheap. You get the law of reach, um, who's going to notice, I may as well use this data because it will bring me this thing and the worst thing that's

gonna happen, someone's gonna say, Oh, you didn't use the protection laws properly and didn't support and consented information properly, but it doesn't feel like a particularly problematic thing. So you know, all of that said the gene, you know, GPR lives the ICO to find organizations including political policies up to 40% turnover cause should stop worrying them.

Jim Killock: (40:08)

If they start issuing guidance and they target those people that are genuinely the worst offenders or people who are behaving with the least responsibility, then that can improve. Um, behavioral, again, this probably a little bit of a sign as you've used a committee, but it's worth flagging. And in terms of what, how you get better data protection, uh, practice. One of the ways you do that is by collective complaints. And one of the ways I could that could happen is through something called article 80 packets to um, in the GDPR, which alliance privacy organizations or would align with, had been implemented in UK law. Would I privacy organizations to make complaints about, uh, privacy of abusive as where individual sub data subjects are finding it quite hard to understand that they too had been abused. And in cases like political parties or uh, you know, participants, your organizations using your data and advertising in general, these are exactly the sorts of things. It's quite hard to get individuals to comply so they don't feel like their credit cards been more so don't feel like, you know, there's huge ponds to them, but there is a systemic issue and those of us who are concerned like an avenue to say it's a serious problem. So that would be another thing you could recommend to just kind of empower the privacy organizations to make those collective complaints.

Polly Mackenzie: (41:35)

I think fines in the end we'll only ever have relatively limited impact and unless election results can be overturned because of procedural accuracy, then the political parties won't really care that much. Uh, and I know that like the sort of controversial thing to suggest, but you know, we, we, we run trials of murderers and rapists because of procedural mistakes because the procedure is important. The process of a trial is important. The process of democracy is also important. And you know, if you could win an election, win a majority and then get fined even a million pounds, man, like there's plenty of rich people who put money into politics and if they still thought that a fine was the pathway a, it's a bit like, I know basketball people deliberately foul because the cost of fouling is, I have friend who was a professional basketball player. Women is basketball anyway, and it turns out, let's just, that you just thought really tactically the best thing to do in that situation was to foul. That's the problem in political campaigning is in the end, tactically, the best thing is to just cross your fingers and don't misuse the data. I think we need to go further in terms of what the,

Stephen Kinnock: (42:54)

or you can force a buyer action with surgeries on the [inaudible] case. If they have been convicted and they were living the products understand standard. It's extremely difficult to do if there's national, if not parties that are national level Burger. Does it? Yeah. That the logic of that is then you need to learn a term. Then we run the entire election. Of course, that relates to the same question when it comes to a referendum and there is a science standard from 2016 there is no legal basis to turn 16 restaurant. It wasn't, it wasn't in shrine British snoring in that way and it was also [inaudible]. Yeah, and of course it was [inaudible]. Sorry. Um, yeah. How would you, how would you do that? Would you look at this EAP, DDG,

Speaker 4: (43:54)

oh nine electro [inaudible] transparency. Are you, so it's the ABG on electoral campaigning. Transparency. Yeah. Okay, great.

Stephen Kinnock: (44:06)

Would you mind just introducing a cooling on a low day voice for changing a okay. Correct. To me that's coming up. Um, uh, another meeting [inaudible] service reviews. So,

Speaker 4: (44:17)

okay. If you were running from one thing to another, yeah, sure.

Stephen Kinnock: (44:20)

Uh, d, I mean, do you have any thoughts on that in terms of the national picture? How do you,

Polly Mackenzie: (44:29)

that has terrible space that has be serious jeopardy if you screw up and you know, we're having this spy election in Brooklyn and Radnor at the moment and Chris Davies is very upset about that because he's like, you're 700 pounds and I paid it back. That's because we just signed it through the legal, the bail. But that actually your parliamentary expenses, even if it's a relatively trivial, somethings you've paid back, is just something that it's so important for MPs to abide by the rules that yes, you can be forced into it by election for 700 pounds that you've paid back. And I think fair enough, um, that that was the right call we need. You need to create proper jeopardy in the system, that if you break these rules, it has to be reworked. And that, that's kind of Matt, I recognize. But if

you don't do that, I honestly think that the kind of the game theory incentives are to break the rules around data for this because it's so hard to scrutinize,

Jim Killock: (45:25)

I think. I think not is broadly right for the day. I don't think it's the whole story. I think it is possible in your question is what ruins people's political grades. And at the moment, apparently nothing at the moment. [inaudible]

Polly Mackenzie: (45:41)

well, I'm not telling the truth. Yeah. Yeah.

Jim Killock: (45:44)

On the other hand, there were periods in our history when, you know, telling my is broken the law, uh, fiddling with things were things that concerned people. So, you know, maybe there's also something around the political culture. Um, but I don't, you know, we, we, we think a lot about data protection and enforcement and certainly in other, and it's got plenty of scope to, to improve the laws. Um, whether in this case, you know, party officials losing their jobs or people being fired from standing seat kind of had, you know, various things as judgements against them, whatever it has to be. I don't know if those are sufficient. Our agreement, you, you kind of do you need, you do need people to feel

Polly Mackenzie: (46:26)

just thinking about that further, it's the concept of the sort of the responsible person both within the party and then the agent within the local campaign is a weird kind of separation of responsibility from the candidate. And the, that means that if the acts does fall, it falls on, on the party. Yes. But potentially on an official who is relatively anonymous rather than in the context of, you know, the leaf campaign that you could actually lead it in with the public champions. They are never the responsible person who has to fill out the forms. Of course, that's because probably if I got to filling out forms, but it's also because they want plausible deniability. If the campaign turns out for breaking the law. What about bar? If it's in trials, um, you know, been undermined by the way that the procedures have been, could've been used.

Polly Mackenzie: (47:23)

Then I'm trying to think about whether that's an easier assessment to make, whether or not we had to have another actions done on the mind by of the spending by 60,000 pounds. Well, so we just give the [inaudible] power in terms of making those judgment and it is really at the moment we have, we end up having this conversation about

whether did it affect the outcome and, and I think we need to get away from that being the test because it is impossible to prove and it will always be possible to prove. Plus you speak to a voter. The last thing they want to believe is that their opinion was swayed by the adverts that nobody believes that even if a district just did you break the rules. So, even if it was overspent of a quick, we're going to read on the whole my friend, I mean I'm a really good example cause this advisor, but you know what [inaudible]

Speaker 4: (48:21)

or if the, so if the seat instead of spending that, let's say it's roughly 14,000 pounds per candidate, is there a percentage threat that traffic for that threshold or are we looking at absolutes or, so for example, one of the things we're looking at as well just for more context is the idea with a gifted kind, which is a huge issue, um, is guidance from electoral commission of based on, you know, the regional area of what you have to value that as. So otherwise you often see rent in central London for six weeks at a hundred pounds, you know, which is, that's not an actual reality. Um, so guidance to what things you have to do to put, uh, for what something is actually valued at. So clear guidance on what you spend. But then what is the threshold for overspending? Or what is the threshold for

Polly Mackenzie: (49:10)

the, I guess, uh, um, you guys mentioned it and I think it's probably come up before, so I didn't sort of dwell on it, but the, this, the, the idea that there is a separate thing, which is the constituency competing in the national campaign and it's just complete fiction. Now. We've talked about that at length from the sessions as well. Yeah. So, yeah, so any system which retains that fiction is clean on work. So I guess I challenge the question, but yeah, and you have to look at it. The next level, the party has to be responsible,

Speaker 4: (49:43)

so, oh, sorry. So even so, and under a new regime we said, okay, the spending limit per seat is 40,000 pounds. Local, national doesn't matter. That's as much as I can spend in the seat. In what two, what threshold are we saying is, um, immediate rerun one p that, and I'm not being [inaudible] because for example, the other side of it is we're, we're, you know, we've covered coming around to the idea that every donation from one piece should be verified as admissible for the same reason. Right. If you cannot escape 500 pounds, you cannot escape 20 pounds. Like, so what would be the threshold from

Polly Mackenzie: (50:20)

2% [inaudible]

Speaker 4: (50:24)

no, but I mean that's, that's a, you know, a percent. Yeah. Like,

Polly Mackenzie: (50:28)

I mean, what does it with, uh, the speed limit? I don't know. They said that [inaudible] hour over, isn't it? 10% of spirits. So it's not seven miles per hour. 30 [inaudible] 70 I think. But the digital transfers of money because we've didn't set Brexit campaigns. Yeah. It's got

Jim Killock: (50:51)

this issue or 25 pounds, hundreds of thousands. What do you think needs to change to be able to prevent that small today you're taking away, no, my, we'll think about the data that, the more mistakes, yeah. One thing would you send us to turn in the conversation? Right. But we genuinely think at this point it is likely that Facebook has no permission whatsoever to run. Police can talk to that or any other kinds of targeted tots at all. And I'm running those ads. Is a breach of the law asking Stan Cause I didn't ask anymore. I was going to ask about that. Cause the suggestion to be made about actually just banning micro-targeted ads altogether. Well at this point they can't, we don't think they have a legal basis for serving when you were talking to that third space. So because you didn't agree to it and he's like, so you kind of, from our perspective, the first thing that you do is to say, well because somebody can take it through this.

Jim Killock: (51:52)

GDPR requires that you get consent for specific purposes for your data to be processed. When you joined Facebook, you joined a social network so it's got a clear purpose of running your social network. Running. The social network happens to be monetized by advertising, but it is not necessary to utilizing to run a social network. As a result, it is pretty likely that Facebook has a separate or dissect the consent to personalization, that from the consent to where you use your data to run a social network and by failing it probably also needs a further consent or maybe deferred consent for special category processing. Now it's the same targeting around factors like religion, politics, Tree Jeanne manage like. And because it doesn't separate those two or three things out and it doesn't ask you for a separate permission for each of those, it may simply be breaking the law.

Jim Killock: (52:58)

And so there's a legal challenge that um, an organization or an Austrian conversation called none of your business, a boy rather mine, Max Schrems who ran the challenge

against the data stage agreements for the USA, which famously just fell apart once he challenged them. Um, they, they're taking that out through the Irish. Um, DPA don't go to the courts of justice. UPV In itself is quite likely that Facebook will have to ask you separately whether you wish to have different sorts of targeting. You'll have to decide with what that's about. And it seems to me that that's quite completely changed their business model. It would somewhat, cause they can still send you adverts. I ticked the box. So yes you can be, you can be given to patterns, but what you can't have is personalized adverts based on all the data

Speaker 7: (53:53)

which you already we go to, we already go pages.

Jim Killock: (53:56)

You can say, well I don't want that except those cookies. And they say, well in that case you won't get personalized ads tailored to that. That's right. That's the way it's working. They're sort of going outside of a Facebook consultant, but within Facebook it's still, you know, they, they're still bubbled up. So, and yes, if that was changed, they would need that. If you would kind of be able to say, well, if you wanted to be micro-targeted you want, you could, we can kind of build an argument within that. Um, you know, the people could, you know, particularly the political targeting is very separate from the social, commercial type team. I think that's point to it, sorts of thing. And I think a lot of people would say, no, thank you very much. And that might well can alleviate a lot of these pressures from, from the source. So I think that's something, you know, you could really think about it and it's almost like putting no cameras. I sort of know

Speaker 7: (54:51)

why not.

Jim Killock: (54:57)

It did. From what you're saying is do you think that potentially the GDPR could end up just taking care of all these issues, including the political side, if, if the law and secondly, so supplemental questions for that as well. What has to happen? Will that be whatever the call to justice of the European Union concludes? And if it concludes that yes, GDPR is this and the place that needs to do that, does it then just look after itself? I don't think just [inaudible] I don't think, I don't think you can cure everything because there's still gonna be bad actors. Right. And people are always going to try and bend the rules. Also. Some people will agree to this not thinking about it and they are still vulnerable to the targeting, but know because of, because of that. And you still need and I guess I guess there's also a very big question which kind of comes, I think a lot of the points you

were making polysorbate the kind of future data that gets used and there's a big gray area about what the meaning of a legitimate interests and fat processing is, so just to take the art, you think of all the discriminatory practices that are involved in micro-targeting a lot.

Jim Killock: ([56:06](#))

This is simply unfair. It's just telling people things which are misleading. It's using your data to kind of manipulate you directly. I question whether that's reasonable under the data protection because it doesn't feel like fair processing to me. That's a bigger argument and a harder one to make and one that will take more time to sort out. But for me the whole issues of data discrimination are very linked to this idea of fair processing and the lack of a kind of a - at the moment either people do stuff which I don't feel is fair processing. Maybe getting caseload or that thing. But you know, I'm only arguing that I'm on, I guess we would say this is gonna help a lot and kind of help. Like I don't think you can solve everything cause you know, there are nasty people in the world,

Polly Mackenzie: ([56:54](#))

but a lot of it is dependent on, as you said, case score and therefore active legal challenges by third sector organizations or you know, we saw Martin Lewis challenged the scammers on Facebook, correct. Sued Them for defamation and easily it then they end up in court. They've introduced a new team and new regulations and new rules around that. Proactively taking on these organizations is incredibly important. But partly because our regulators are so kind of small to uh, you know, in the u s they have like basically no enforcement, really other qualities, law antidiscrimination or it's all based on, uh, individual people suing individual restaurants or individual offices. And we have enough, we have that situation in the UK around protecting our democracy and protecting us from this punished advertising. We are relying on either individuals whose, or kind of proactive organizations. And I think the suggestion that you guys have made around enabling that to be, as we've seen in consumer law, which has taken on these powers to be, to make super complaints,

Jim Killock: ([58:06](#))

it as a child, girl 82, two, yeah, I want to meet does that, is that something that needs to just be transposed into the should? So the GDPR, that piece of the GDPR could just be transposed. Yeah. Drywall. It was optional. And uh, the government in its wisdom decided to not do it. So we can take on individuals who complain and they say, my data is being misused and we can represent them. But if it's a broader thing where it's kind of harder for people to identify that abuse [inaudible] alliance too. And it's also when it's the, it's the impact on the group, which is problematic rather than the impact on the

individual obsolete discrimination. And it becomes apparent at the, at the large grade level. So there's that super [inaudible] as yeah, the harm as well. The level of harm it is.

Speaker 4: (58:56)

Yeah. So that's when the, so for example, like with our class action lawsuit against Facebook, you know, we have to find every individual person who have their data taken without their consent. That became a gentle, like a scandal. Right. But the real harm to Facebook only occurs when all 1.1 million people have a thousand pound claim. Yeah. Then you have an 11 billion pound claim. But when you can't accurate, when you can get people to join the claim, the collective complaint becomes less and less relevant because the harm, the, the recourse in form of harm is so low.

Pascal Crowe: (59:27)

Yeah. Yeah. This is, it's what really matters because it's these broad things that matter to all of us. But only a little bit. We've been, we've been doing, um, subject access requests under GDPR two entities, including the political parties number, seeking to move on to data brokers, which, uh, tell us as individually as just what kind of data is being held on us. And we've got some interesting results. Um, some political parties by data, personal data from Experian and calf, uh, assign users, individual credit scores. Um, for example, Warren Valley, we got ACLUs.

Speaker 3: (01:00:08)

Uh, it was great to be labeled in uptown and leads by experience. Uh, and this kind of data is

Pascal Crowe: (01:00:14)

stuff that goes into the falling out. And I think as part of a broader campaign of submitting subject access requests, if we could raise public awareness, the ways in which their credit history is being used to target them, that might help.

Speaker 4: (01:00:27)

But then the great irony of course is that the two ad campaign by Experian, no your data self where they spin it to the public as if it's like this great thing you want to see all the data we have on you, you know, and yeah, get, get to know your data self. Right? So when you frame it that way, it's like, oh, I want to know data Maine. You know,

Speaker 3: (01:00:53)

you talked about the join data audit, is that, I mean is that something that could just happen and beautiful to just get a sense from you what you think can just happen

without any requirements of legislation because you never are challenging. It's going to be to get this legislation through some stuff from you potentially do through statutory instruments. But as soon as you bring forth primary legislation, you meet tremendous resistance. But I think just again, harking back to evidence given in previous sessions, I think the ICO and the electric mission are going to sign an MLR and, and are you are a corporation. I mean know that like from the electoral commissions for that they're kind of crying out for more capacity to help them understand the value of the data and the use of datasets. In the recent report, they said data sets and databases own increasingly valuable asset for running, targeted and actually campaigns.

Speaker 3: [\(01:01:49\)](#)

The declaration should include an estimate of the costs that campaign has invested in buying or developing the data they hold when they register. So it looks like the electrical commission, I'm moving in this direction anywhere in the ICO, as it says, said they were going to sign an mou. Um, so it seems that while she might need to get something on the statute, uh, that's wrong, that there was already a a will and recognize they recognize that they can and should work together on this area and maybe get something proceeding on the basis of an

Deidre Brock: [\(01:02:22\)](#)

[inaudible]. Yeah, cause you know, there was a suggestion at the most evidence session, maybe one for pilot just around targeted spanked and control over that. So I'm sort of moving away from the digital, forgive me, but I'm just interested in your thoughts on that because at the moment see related to Percy heretically you could use the high time national campaign, spend a lot into a political party in one constituency and two, there are some parties that do this quite a lot and it's, there's talk perhaps of um, making this much more transparent so that people could then, then, you know, the party would have to explain why they've decided to spend so much money in those particular areas and so on. Is that something that you're looking at or, uh, it's not something we've, we've looked at, but I think it is really important. There's also the question of making sure that data is published as swiftly as possible.

Polly Mackenzie: [\(01:03:18\)](#)

Yeah. Because it's no good finding out, oh, by the way, a million parents were spent in know that's been Sheffield talent topic. We've whatever sort of preventative action. Um, but you know, you, you cannot pretend that directly addressed literature that doesn't just cause it doesn't mention the local candidate is not, Tom's is campaigning, you know, that is affecting the constituency. Uh, and yeah, I mean the scale of, of, of that kind of concentrated spending. And I think again, it harms our democracy in that sort of a

structural way. This idea of only targeting those few votes that matter, which I mean, God knows what's gonna happen in the next general election now that the countries are four or five way module, um, who knows where people will be spending money. But you know, I, it's having lived in both a marginal constituency and in a safe seat, I, nobody ever tells me, nobody ever calls me, not some, like nothing.

Polly Mackenzie: ([01:04:30](#))

It's just a dead zone. And, and we shouldn't incentivize the electrical system to, to do that to constituencies. Because there's no point spending money where I live in Campbell when I'm back home cause that money can be spent somewhere, you know useful. And that means that included really in the political system. So you would just click it. Yeah. For anything, whether it's digital or physical, whatever the post has to go to that level. Yeah. I think if, I think if, if it, if it is a physically distributed leaflets then you know where it's gone. If it is a physical poster, nowhere where it is that becomes local campaigning, not national campaigning in digital. I guess if you have chosen an audience, which is just the UK, then it's probably would qualify as national funding. But as soon as you've made a geographical tall cutting off your spending, there's been quite a strong consensus. Cause I [inaudible] most structural level, we should all see similar political advertising. We should all see how get a similar sentence of what the Labor party is or what the SNP is or what the Liberal Democrats are or the Brexit party.

Stephen Kinnock: ([01:05:44](#))

We should. We should all,

Polly Mackenzie: ([01:05:45](#))

no. And, and again, micro-targeting enables us to all have a completely different view of what those bodies are sampled and mean. And that is corrosive to democracy, which is about collective decision making, not consumer choice.

Speaker 4: ([01:06:01](#))

Just as an example of a third party groups. Um, if you target an ad as a third party group to England for example, you then have to distribute the spend across all the seats in England because third party groups have a per seat spending limit. So there is a precedent like it doesn't exist. You 30 have to meet. Yeah. That's what they were pretty campaigning groups have to do. So we're about communities you could just copied and pasted. Yeah. Yeah. And if you have an event in Leeds, you have to reasonably assess what seats that event would influence. Yeah. And there's an audit process that would say no, actually that's a complete misrepresentation of that event in Leeds for example.

But it does exist, you know, the precedents there. And I think the difficulty when data gets involved in this is the datasets stuff,

Speaker 3: (01:06:45)

policies have that all been captured by the regulation. And our big declares [inaudible] two, two and five who isn't going to vote for you and therefore a exclude large numbers of people. But B, you know, dramatically drive down the costs seven of the day with wasted money. Uh, and this means that it actually becomes harder to capture the real value of what these campaigning techniques and the resource data brings to a campaign. Just by looking at it purely through how much money parties are spending.

Polly Mackenzie: (01:07:14)

It's also true that the yes to ave campaign sent leaflets to 8 million people on a targeted list and spent the same amount of money on physical leaflets as the notary campaign who sent a to d store every house and decided to just take the whole country. So you know, you wouldn't have to be vaguely competent. Yeah, that's, that's it. That's it. As a political campaign to not waste money, it's very easy to waste money.

Stephen Kinnock: (01:07:41)

You, you talked before about value, this kind of data enrichment, scraping Twitter, Facebook for profile information. And then he said, how do you, or you were kind of talking about monetizing that, right? Did you mean in terms of well, what, how much money should be coming out of a political parties campaign budget for that. When you talk about, can you say a bit more about what you mean by a family in terms of things are in Richmond, you also talked about value that, well I think, I think

Speaker 3: (01:08:13)

the first test is Jim said is, is these all these processes, uh, lawful, unethical. But then the second, the second test is, um, particularly with datasets that you buy commercially, is there a way of incorporating how much, uh, those data sets have worth financially? Um, and particularly in the case of data sets that are scraped off the Internet for free, is there a way of incorporate of working out, assigning the financial value to those data sets?

Jim Killock: (01:08:44)

And what would you then do with that? Something of value and court incorporated into the standard of that and see if that bridge is spending the mess in that way. Too many of these data sets. My roping forwards, whether I'm assigned to the data, you know, the electrical areas, I suspect that even this effectively is going all the time and it's not

therefore, but the real value to the parties is within the elections. We're not necessarily having to declare it within those periods. So there's kind of a potential and we haven't investigated, we don't know how parties declare their spending rate, he says, but there's an obvious loophole there that if you do all of your profiling and to read in Richmond, uh, techniques outside of the electoral periods, then you can boost the valuable data and the actual ad spending. Certainly when it's targeted, you know, you can get all out of under that point, even though the investment was several million quid several months ago.

Jim Killock: [\(01:09:41\)](#)

So what would a proposal look like? It would say we need a new rule or statutory code of conduct phoned up by the parties, which says that we will show the electoral commission all of the profiled data that we have. So wherever there's, there's been value at and the electoral commission will have a formula which says when you have this sort of profile information, we think that it, it probably was this much cost went into it in terms of staff time and expertise and we're going to put a value on it of this and that value. You're going to have to declare it against your ongoing, uh, so that we got the kind of methodology that you propose.

Speaker 3: [\(01:10:29\)](#)

And I think this is a great opportunity for the ICO and the electoral [inaudible] policy issue. But I'll have to find that back. I think it would be a good opportunity for the ICO and the electoral commission to kind of pull their expertise because you know, up until this point over the past year, there's been like a degree of kind of regulatory chafing almost between the ICO and the electoral commission over who exactly is responsible for this like slightly murky area. Um, in the meantime you've got these practices going on and obviously you shouldn't have to declare spending outside the regulated period if you use it inside the regulated period about the processes

Pascal Crowe: [\(01:11:14\)](#)

by which data was acquired. So murky and multifaceted and quite often the value of the data is less than you might pay for it initially or it might be free because you scraped it from the Internet given all the native player in the banks. Given all those factors at play, there needs to be aware of signing and financial value to that data and incorporating it into the spending. Then [inaudible] an off the shelf methodology for doing assigning value. I guess we leave that to the ice expected to activities.

Polly Mackenzie: [\(01:11:42\)](#)

You know, it's also just worth remembering how complicated some of this algorithmic decision making or data targeting are in the, you know, there's not really anyone at Google who really understands how their search works. That's part because it's not possible for any individual based grown up over, you know, 20 years and ecology. You know, there's now a whole like academic discipline of the explainability of AI decisions. And so it putting a value on things, understanding things, you know, this is an area where again, you need much, much more regulatory heft. They should be, you know, big teams working on this stuff. I was gonna say [inaudible] data scientists. Yeah.

Stephen Kinnock: ([01:12:30](#))

[inaudible] your point in telling them micro-targeting and democracy is not a retailer for, I think that's absolutely right. As one of the things we've raised quite a lot of disgusting in the sessions is it's also this, um, the way it's kind of hermetically sealed information so it just delivers to 1.1 the house one screen and there's no right to reply that it's not, it's not like a available or an advert in a newspaper or where everybody sees it and everyone can reply to it and everyone can have a debate about it. It's real one way communication, which, which feels very corrosive to democracy as well. Yeah. I don't know that kind of, we then get into the area of I suppose political education and so there's a regulation of this and then there's also changing the culture.

Polly Mackenzie: ([01:13:25](#))

It looks like, I don't know, but there is a, a database of all of these adverts, the kind of people who will go into that database and look for stuff that they find offensive so that they can respond ostentatiously or build their own social media profile by having a go at the Brexit party, but doing something they don't like, you know, in the end has risks as well. Right. That what you do is you further amplify the voices of, uh, of the extremes in our politics and further drive out moderate voices who are a bit less interested. And you might hope that, uh, the, the oxygen of publicity on hateful racism or whatever it might be, would help to stop that working as a political tactic. I worry that in our current political climate, actually, you know, you see this with Trump that having some people who are, you know, snowflakes who are offended by your advert might be a deliberate tactic that people would use. Do something offensive micro-targeted to 12 people create a liberal outcry suddenly everybody sees it.

Polly Mackenzie: ([01:14:42](#))

Exactly. And so again, the question of, you know, how do you make sure that this database is not just a factory for clever political tactics, uh, is is a challenge. I don't know what else to do it yet.

Stephen Kinnock: [\(01:14:57\)](#)

On changing the culture. Do you have any thoughts on, if you like the education side of this, the awareness raising and what sorts of thing could be done both through parliament and through civil society?

Polly Mackenzie: [\(01:15:15\)](#)

Um, although it's sound that is that I think there's an increasing body of evidence to suggest that younger people are more cynical about what they see online, that, that older people a lot more readily. Yeah. So the rest of hope, uh, except that you then get into this other territory, which is where there's no comments at all because nobody believes anything that they see. And that's one of the risks that we kind of, we've talked about with, with deep fakes, the idea that you could create a fake video of, of Steven Kinnock, I don't know, saying something doing a racism or whatever and it looks totally real and oh my God, there's the initial fear is, oh my God, this will lead to extraordinary kind of take downs of people with their political careers, uh, with, with just falsities.

Polly Mackenzie: [\(01:16:07\)](#)

On the other hand, that the bigger risk is that nobody believes anything. And then, and then, because when you can't rely on your eyes or the evidence of what's before you or you've mind is your gut. And we know that our gut instincts are massively corrupted by a whole host of kind of cognitive biases. And just the assumption that the people we already agree with that the open ones we can trust. And that then, you know, how do you, how do you build the kind of common set of facts even as it's really troubling. Sorry [inaudible] I was just thinking about micro-targeting news dominate departments cause I'm one of the reasons why I became interested in this was discovering the Scotland Office with microtargeting certain constituencies, um, with things like, um, well particularly targeting people around. Uh, Lucas airbase isn't, you know, this was sort of in the run up to the snap election.

Polly Mackenzie: [\(01:17:02\)](#)

So we asked questions about that. But you know, you just wonder where does the line get drawn between appropriate and inappropriate? Like micro-targeting. Is there still a place or do we just say ban all together or you know, if a government is going to be using it to target, say, um, young women who have just had children and you know, this particular policy they want to promote, um, you know, just sort of interested ways you think those decisions should be made or draw, you know, who draws a line about where it is appropriate or it's, and all of you ever, well we did, our goal by this event is quite tricky in order to targeting all the delivery efforts on [inaudible] cause for balls. He's a

little boy, he's done a degree of this is a particular messages that want to get active in particular place.

Polly Mackenzie: ([01:17:58](#))

Do that well, what perhaps is these different areas, the ability to do that, not just geographically on the constant basis. And then, uh, the fact that this is so invisible and it's kind of a bit depressing to hear your analysis of hiring people might react to a sort of transparency database. Because you know, the first thing you might think is, well, let's have some light on this. And those kind of gets all that. I kind of think maybe one of the things there is you need the, you just need to Kinda think about all of the information you might need to really understand and advert. So perhaps things like how many times I've displayed, um, how many people saw them, where they ever clicked on that kind of information may also be important. Bring people to understand, which is just an attempt to troll them in, which is like something which is actually had some influence or even some things saying you are being sent.

Polly Mackenzie: ([01:18:50](#))

They said that because we believe you are that we'll just fast child or something. That's absolutely got to be what you mean when you have, you tried it, you clicked on an advert on Facebook and it tells you and you like, it might be because of this because they want to reach women. You're like, oh well that's helpful. That doesn't really tell me anything. No, absolutely needs to change. I think, again, we have to, you know, we have, we have the equality act right, which sets out a number of protected characteristics and we've decided that, uh, except in Northern Ireland, the political affiliation is not to consider it a thing which we've decided to protect under equality law. Um, we, we've managed to have that conversation and make a set of decisions about what is and isn't not, isn't acceptable to make decisions on the basis of that, you know, spreads the toll.

Polly Mackenzie: ([01:19:36](#))

So that feels like what kind of private members clubs you can have and all sorts of things. I just think we need to have a conversation. What is it okay to talk about advertising on the basis of, and you know, the insurance industry has, uh, a sort of self-denying ordinance that they don't look at people's HIV status, uh, because we as a society and they decided that that wasn't a rabbit hole that they wanted to get into. We can have those conversations at the moment. You can talk on the basis of whatever Facebook happens to have. And maybe we just need to think about that a little. And you know, the tiny one line for me is a very dangerous thing because we know that people's motivations are really, uh, uh, people's self control is really impaired at night. That's

more kind of consumer things often than a political thing. But I think it's a real problem. People's mental health status, uh, is a problem is so, so, so the question is

Jim Killock: [\(01:20:30\)](#)

you can [inaudible] so like you can, in terms of the technology and what it delivers, can you legally, I'm not so sure. Um, so if you did target somebody on the basis of - you were assessing them mental health status - I think you would be breaking data protection law because you would be assessing people for something that they never told you and therefore you did something to them without their consent. And as we've added to getting [inaudible].

Polly Mackenzie: [\(01:20:57\)](#)

Yes. And it's possible that they still will evolve in this space and a set of things which are currently happening and also the ICO, guidance and many other things. But yeah, I'd just say, would it be okay to regulate this space and to make some decisions? And some of us will take a more aggressive approaches to things. You shouldn't be able to tell them the basis. So um, I'll have a conversation and say actually is quite good for the government to be able to talk about, you know, child benefit application forms to people have just had a baby. Maybe that's okay. I think it's so when government does things he kind of needs to grant yourself permission for specific sorts of incidents. That's nice.

Jim Killock: [\(01:21:32\)](#)

Explain why the social purpose is important and it also needs to take care but it doesn't explain it as well as include. Cause obviously if you've kind of decided to rent the micro targets then you might also just fail to notice all these other people over there didn't quite fit that profile. Then effectively deny them access to services, not get it. The company says, I've got a whole set of balances that one time I did want to just draw attention to there is because political data is special category data. I'm just really, there's kind of a plexing that people can politically target in the way that you can on Facebook. You know, you should sort of just not be something you can do. You shouldn't be able to sell your thoughts and labor voter, uh, or that's a liberal democrat. She didn't really get to do that.

Jim Killock: [\(01:22:18\)](#)

And the way they way they've done it, this is what we do at my slight to pattern you like a page, you know, I'm like delete policy page, Democrat page that and the result is that you've made public information about political beliefs because these are public pages and who likes the Paisley, the public and that face we get to weighing all these issues with consent. So you've agreed to broadcast your political opinions. I would really like to

know Facebook's justification on that because um, again, that just does not seem how data protection should work. You should be, it should be up to you who gets to know your political beliefs and you deliberately share that. That's just kind of gone out the window the way that these things, some micro-targeting

Stephen Kinnock: ([01:23:06](#))

things. And then sort of further to that, you know, if you're making inferences about people's political beliefs from other factors, again, the lawfulness and Asco. So there's some really huge question fed around GDPR. Thank you very, very much. I think that was from me that yes, we've heard so much of what you said is complemented really well. The other evidence you've taken to any concluding remarks you'd like to make? Anything you'd like to add? One thing. So let's say that this might seem like an obvious statement. I think the current data ecology and the concentration of digital money or sort of just expertise or financing for Dubai purchase data between second parties risks are really concentrating campaigning power even more so than the rds amongst two big parties a, which seems to not make sense. Even we'll add it from around the country. There's effectively a four, five way marginal. It's probably said the current environment risks not getting the minor parties that fat sheriff campaigning attitude because the data collection capability just become so concentrated and the cost is certain concepts. So it's a kind of vicious cycle for concentration. Okay. Thank you. Thank you very much. [inaudible] so we get to work on the report. We will certainly be sharing that with you going forward.

**All-Party Parliamentary Group on Electoral Campaign Transparency
Written Evidence, Responses to Online Questionnaire**

In addition to the Oral Evidence found at Appendices A - F, the All-Party Parliamentary Group on Electoral Campaign Transparency conducted a call for written evidence through an online questionnaire. The questionnaire was open to all members of the public. This document contains the unedited responses from that survey. The names and organisations for each entry have been included in the interest of transparency.

The text of the questionnaire is found at pp. 2 - 3. It indicates which question each response corresponds to.

Note: The second response from Professor Justin Fisher, Brunel University London was removed due to duplication. The attached evidence referred to in Response 19 can be found at Appendix K.

Response Number. Full Name, Organisation (if given)

TOP ISSUES

From your/your organisation's perspective, WHAT are the top issues we should be aware of with regard to each of the below:

Transparency

Response A

Deterrence

Response B

Monitoring

Response C

RECOMMENDATIONS

From your/your organisation's perspective, HOW would you propose dealing with the top issues you raised in each area? Laws, regulations and specific recommendations are appreciated:

Transparency

Response D

Deterrence

Response E

Monitoring

Response F

PROPOSALS

If not previously addressed, do you have specific thoughts on the below four proposals? Provide the Electoral Commission with the resources they need to promptly investigate and prosecute those who break electoral law with specialised electoral offence officers.

Fines for electoral offences should be unlimited rather than a maximum of £20,000, which is an insufficient deterrent.

Response G

Report campaign spending online. Even candidate campaigns should be required to declare their expenditures online. This includes creating a national database for election spending.

Response H

End financial transfers from the designated campaign. The Electoral Commission's current rules in a referendum allow the designated campaign to give up to £700,000 to groups as long as they don't coordinate their work.

Response I

Ensure parity between political offline and digital advertising in the election period. This includes creating an online repository of all digital ads, enforcing imprints on digital ads and making targeting and financing details less than two clicks away.

Response J

ADDITIONAL THOUGHTS

Is there anything else you would like to share with the APPG?

Response K

1. Mr Thomas Marechal

Response A	City council
Response B	
Response C	
Response D	All citizens should be able to votes
Response E	
Response F	
Response G	
Response H	
Response I	
Response J	Yes
Response K	

2. Mrs Helen Salmon, Bristol for Europe

Response A	Very important issue as the 2016 EU referendum was not transparent. I was also very concerned that EU citizens who were entitled to vote in recent elections were denied the vote
Response B	There has to be effective deterrence for those who deliberately flout the rules. The current system seems to be very slow.
Response C	Sadly our recent elections have been compromised so more rigorous independent monitoring may now be necessary.
Response D	Clear published guidelines. Clear procedures for infringements. Chance for those entitled to vote on the on the day to ask fir guidance and clarification.
Response E	Stronger penalties for deliberate and sustained fraud.
Response F	Trial the use of monitors at key polling stations
Response G	
Response H	This is vital as the misuse of online platforms unfairly influenced the 2016 referendum.
Response I	This also happened in 2016
Response J	
Response K	

3. Francesco Gianni

Response A	Undeclared sources of funding.
Response B	Punishment need to make breaches unattractive, at the moment the advantages of winning an election far outstrip the disadvantages of getting caught for example breaking electoral law.
Response C	Sufficient resources should be dedicated to monitor parties/grassroot movements behaviours.
Response D	Ensure all funding is traceable, no grassroots/pressure group should be allowed to operate unless sources of funding are declared.
Response E	Campaigning of any kind from a group not complying with the requirement to declare funding sources should be prohibited, and made a criminal offence. Every organisation must nominate a responsible person whose role is to ensure transparency. To ensure proper deterrence punishment must include the exclusion of groups/parties/individuals from future elections, and the annulment of a past vote.
Response F	Breaches should be easy to identify as likely members of the public will flag them up. Resources need to be made available to investigate reports and discard false positives.
Response G	Deterrence must include, for more serious cases, criminal prosecutions and annulment of election results should significant breaches be discovered after a vote has taken place.
Response H	Also sources of funding need to be declared.
Response I	
Response J	
Response K	

4. Ms Sapphira de la Terre

Response A	funding for the referendum... there seems to be one scandal after another which is just swept under the carpet. If the referendum had had a large majority then I might not object, but with only 52-48, I think it needs to be looked into. If the Brexit camp had been more transparent and honest about funding I doubt they would have won.
Response B	
Response C	
Response D	I think there needs to be an enquiry to look into what actually happened, and then a legal decision made about whether the referendum was actually lawful.
Response E	
Response F	
Response G	I agree with this. £20,000 is not enough of a deterrent for large corporations
Response H	Definitely
Response I	Yes
Response J	Yes
Response K	Just that this should have been looked into already.

5. Dr William Tobin

Response A	It should be very clear who has financed all electoral advertising material
Response B	The Electoral Commission requires bite, and must act quickly
Response C	The Electoral Commission requires bite, and must act quickly
Response D	Laws & active investigators
Response E	Laws & active investigators
Response F	Laws & active investigators
Response G	Exactly. The fine should have deterrent maximum - at least equal to the amount spent. And electoral agents and candidates should be personally responsible for misdeeds by their campaign.
Response H	Absolutely.
Response I	Coordination is very difficult to prove, so transfers should be prohibited.
Response J	Good idea. Good luck, though.
Response K	Also needed is a fair franchise, something which is sorely lacking. For example, some 7 million directly-affected people were not allowed to vote in the 2016 referendum - absolutely shameful. (When I started a petition to Parliament about this in 2016, I estimated 5½ million excluded voters, but the Cabinet Office has since produced an increased estimate: http://bit.ly/2cn7hrO)

6. Mr Robert Jenkins, I am a registered elector

Response A	
Response B	
Response C	
Response D	
Response E	
Response F	
Response G	<p>The EC seems to be lacking in most things - not just money, not just people of expertise and influence, but most of all in POWER. It has virtually NONE.</p> <p>Whereas in pre social media days people worried about personation in elections (as if a few dozen people voting in place of others could make a difference in any but the tightest of marginal seats!), these days the problem is malign influences from (usually external/foreign) powers seeking to subvert the true intentions of bona fide electors. We are talking about covert and very large scale interventions, which are on a par with what might have been achieved in the past only through military means.</p> <p>To stay ahead of these, the EC needs at the very minimum its own police powers, in my view. There should be no wondering (years after the alleged infraction of electoral procedure) whether the CPS might have enough evidence to prosecute. Instead there should be instant arrest by Electoral Police Officers on suspicion of involvement with actions aimed at the subversion of electoral procedure.</p> <p>Such subversion should be treated as equivalent in severity to the crimes of perjury or perversion of the course of justice - and the sanction imposed should be multiplied in severity according to the number of people in the electorate affected, up to and including the UK electorate as a whole.</p> <p>There seems to be a concern about the level of fines to be imposed. I don't think criminals involved in such crimes are bothered by fines - no matter what the level. I would make such offences subject to lengthy terms of imprisonment. Criminals who seek to manipulate democratic processes are seeking to deprive the electorate of their freedom to influence the political process. Such criminals should by the same token be deprived of their freedom as citizens - period. What is happening is already on a par with a third world war using the vastly hyped-up propaganda tools of disinformation, rapidly conveyed via social media to largely ignorant and unsuspecting masses. It is essential that counter measures to combat this must be commensurate with the degree of large-scale international cyber criminality being executed by people who, let's face it, are the political equivalent of big-time mafiosi.</p>
Response H	Self-evident.
Response I	No further comment.
Response J	Yes.

Response K	<p>All these proposals are well and good, and though I realise my proposals are outside the terms of reference of the APPG in this case, I do think it is impossible to come to realistic conclusions about what are essentially mere procedures without also addressing wider issues of the current political context that have been highlighted by the massive car crash that was the Brexshit referendum - so I will put forward my proposals anyway.</p> <p>Electoral reform - yes - but not without complete and utter bottom to top CONSTITUTIONAL REFORM aimed at granting much greater and much more effective powers to AND PROTECTION OF electorates.</p> <p>I have been a voter for 50 years. I have NEVER EVER voted for a party that I wanted. I have always voted for the least worst option. This is NOT democracy.</p> <p>I regard myself under the current constitutional crisis not even as an enfranchised citizen, but as a hostage to forces over which not even the UK's elected parliament has adequate control. THIS IS UTTERLY WRONG.</p> <p>What I want:</p> <ul style="list-style-type: none"> >>Abolish the House of Lords, the monarchy and the honours system (except for community service) Westminster Palace to be re-opened as a Museum. >>Introduce proportional representation for all elections >>Introduce compulsory voting and an option in every election of None Of The Above. >>Recall of elected representatives under agreed circumstances should be possible at any time. >>MPs should work for their electorate and no other employer. >>Move the House of Commons to another location outside London >>Introduce parliamentary procedures (include non-adversarial layout of the chamber and electronic voting) that are fit for purpose in the 21st century >>Broaden democratic discussion and involvement by the adoption of citizens assemblies, especially for more contentious issues (Brexshit) and issues of conscience >>Find new ways of rewarding through commendation the participation of ordinary people in democratic processes. >>Massive increase in funding for education about constitutional matters. and democratic and political processes at all levels in society from primary school up to and including MPs. >>All to be encapsulated in a WRITTEN CONSTITUTION and monitored by a CONSTITUTIONAL COURT. <p>YES to electoral reform. But let's not just tinker at the edges.</p> <p>If we do not instigate much more thorough-going CONSTITUTIONAL reforms - and SOON - then we should not expect democracy to even survive let alone be enhanced.</p> <p>REFORMS SUCH AS THESE ARE LONG LONG LONG OVERDUE!</p> <p>Please no more commissions, enquiries, studies, talking. ACTION is needed NOW.</p>
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7. Dr Mike Campbell, Private citizen

Response A	Since confidence in politics generally is at a low ebb, transparency is imperative as it must be the bedrock upon which renewed trust in the political and electoral process is built.
Response B	Given the decision not to prosecute Boris Johnson MP over his deliberate (knowing) use of the claim that the UK pays the EU £350 million a week, the unscrupulous can lie with impunity. These lies were stated in all media (digital as well as traditional) and in public meetings. Unless our leaders (in Mr Johnson's case, perhaps a different term might be more appropriate) abide by an unwritten code not to knowingly spread false information and to uphold the standards that the public rightly expects of our politicians, then some form of criminal sanction should be available when such breaches come to light. The democratic process is not a game, cheating is not OK if you don't get caught. A sanction of a criminal penalty, or being dismissed as an MP might be sufficient to improve the integrity of our political environment. It is plain from Johnson's behaviour and disclosures about the conduct of Leave, Cambridge Analytical and so on that the current system of a "gentlemen's agreement" to play by the rules is not working. Many members of the public lack the sophistication to question what they see online and believe that the internet is a bastion of truth. This has been exploited by the unscrupulous is the knowledge that it is a zero risk game for them: this must stop. Private individuals, businesses and organisations must be open to sanctions if they lie online - at least to the extent that defamatory statements and falsehoods could be punished currently under libel or slander laws. Unless there is strong deterrence, your group is wasting its time. I would suggest that you convene a small working group of legal experts to look into what might be done, in parallel with this group's work.
Response C	The internet is vast and cannot be effectively monitored. Therefore, you need to establish a kind of ombudsman service where people with concerns can flag them up to a body which will evaluate them - this body must either have the power to take sanctions or be readily able to recommend that further action be taken by a competent body if the situation warrants it.
Response D	The work of APPG can be delineated online such that interested parties can see what is being done/proposed. In a campaign such as Brexit, actors could be required to cite source information to back up their claims (as I would do when authoring a scientific paper). These sources can be provided as hyper-links online. The absence of confirmatory links (or use of bogus links) would be easy to spot by interested observers in the general public. APPG should take advantage of the fact that there will be thousands of interested individuals willing to help scrutinise future claims and statements - one example of this type of thing is an online document which uses specific sources to show that Mr Johnson has made diametrically opposed claims on the merits of being in the EU - it readily shows if not his mendacity then the flexibility of his deeply held views. Many, many people will be willing to help police the behaviour of politicians and interest groups should you provide the effective tools to allow them to do so.
Response E	It is one thing to offer an opinion, it is quite another to lie about factual matters. If trust in politics and the media is to be re-established, the telling of deliberate falsehoods (not

	errors or opinions) must be susceptible to significant sanctions which are proportionate to the gravity and scale of the offence. The powers of the electoral commission must be greatly increased if they are to police this area.
Response F	As noted above, engage the public. Make reporting of infractions a simple process, but ensure that there is an output. Make the required standards of conduct clear to all interested parties.
Response G	In many circumstances, money is no object (let us assume that there was Russian state involvement in the Brexit vote). Consequently, it must be possible to set custodial sentences for significant breaches and a clear chain of responsibility must also be established - this could include fines to organisations such as Facebook if they allow false information to be continued to promulgate online once they have been notified of it by (say) the EC. Such fines must be uncapped because of the financial resources of such internet players. Equally, whilst FB cannot police all information on its site, it could be placed under a responsibility to investigate and inform the EC should its users flag abuse to it. It is therefore imperative that what is and is not permissible is clearly stated and understandable.
Response H	Absolutely. However this must also include " a million gifts of £25" just as much as a single gift of £25! In a digital age, the restrictions on campaign funding can easily be flaunted by making multiple donations below the threshold - both are of equal importance. With online donations (of any value) it could be required to record the IP of the donor. This is problematic with donations via banks, of course.
Response I	The EC should look more closely at whether such organisations are genuinely independent in the first place! However, there is no logical justification for one campaign to fund a rival (although allied campaign), so make it illegal.
Response J	Digital advertising is significantly more important than traditional print media advertising - legislation must reflect this. It must be under regular review as digital media is in an almost constant state of flux.
Response K	I applaud your valuable initiative and am happy to help in any way that i can.

8. Mr John Leonard, N/A

Response A	Who is paying for political advertising
Response B	The toothlessness of the EC
Response C	That social media is almost impossible to monitor, therefore some certification of online content is necessary, plus a massive public awareness campaign (even that will only go part way there)
Response D	Attach some sort of digital certification (cryptographic signature) to all official political ads and tie that back to payments. Make small payments subject to the same laws as larger ones (down to say £10).
Response E	Vastly boost the powers of the Electoral Commission - it is worse than useless at the moment and quadruple fines (or more) so it's no longer the cost of doing business. Ensure law enforcement acts much more swiftly - have a dedicated task force rather than palming things off to the Met.
Response F	Monitoring social media is next to impossible, but bot sites should be taken down as soon as they are spotted and social media firms should be made more responsible. Requires multilateral coordination.
Response G	Agree
Response H	Agree
Response I	Yes - this whole system needs rethinking ground up for the digital age
Response J	Yes, the problem will be stopping 'independent' third parties from sidestepping the rules though
Response K	Good luck!

9. Charlie Fisher, Teignbridge District Council

Response A	If a candidate withholds their home address from their nomination paper, they potentially still have to include it on their campaign material imprint. Meaning that the provision to protect candidate's anonymity is pointless.
Response B	Nothing to stop students voting twice at the same election. Student could vote at a polling station and then receive a postal vote from another authority. People should only be allowed to register once, as it takes 5 mins to register online, it's easy to keep re-registering.
Response C	Electoral commission does not check all spending returns from candidates, they may only take a random sample.
Response D	Allow a change in the law around imprints so candidates are able to protect their addresses.
Response E	Remove the provision that you can be registered at two addresses.
Response F	Electoral commission should be stronger and monitor more.
Response G	Yes
Response H	Yes
Response I	Main campaign should keep their own money.
Response J	Yes but place the imprint on the add so it's obvious straight away
Response K	

10. Miss Monica O'Malley

Response A	Campaigning must represent the best interests of the nation, not the vested interests of the politicians.
Response B	Prior to further Referenda preparation must be made for either a positive or negative vote. This due diligence would spare us from the mess we are currently in.
Response C	Promises made e.g. £345 million to NHS must be real. No false promises or deceit.
Response D	Hold politicians to account to their word.
Response E	Code of Conduct for campaigning.
Response F	
Response G	Yes
Response H	Yes
Response I	Yes
Response J	Yes
Response K	No. Thank you for this opportunity.

11. Mr David Ward

Response A	
Response B	
Response C	Knowing exactly who is contributing to election campaigning, in terms of both funding, staffing and data, and how much is being contributed
Response D	
Response E	
Response F	Clarity of the legal framework; requiring each campaign to give more detailed information of funding, staffing and data sources and resources, and more authority to the electoral commission and ICO to investigate any non private contribution to any campaign.
Response G	strongly agree
Response H	strongly agree
Response I	strongly agree, but would add that significant campaign resources may come from outside of the designated campaigns altogether and that these too need to be monitored.
Response J	
Response K	I am a client of Hargreaves Lansdown, the investment platform. During the EU referendum I received a letter from Peter Hargreaves urging me to vote leave. I'm assuming that all his other clients received the same letter. I have no idea whether the cost of this letter counted as any contribution, or whether the cost of it was funded by Mr Hargreaves himself. I am pretty sure though that he only knew of my address from his companies data base. I'm concerned that we move away from one person one vote so unthinkingly.

12. Mr Brian Russell Littler-Gordon

Response A	photographic I.D. must be presented at polling stations in order to vote. Postal voting banned except for Armed forces personnel, and registered disabled people.
Response B	Prison sentences for any form of voter fraud.
Response C	Independent adjudicators at all counting stations, to ensure correct procedures are followed. Camera evidence placed above every vote counting table, (to be held for 1 month in case of discrepancies)
Response D	Drivers license, passport, etc. Random checks by Electoral commission to DWP's on registered disabled postal voters, or checks to MOD on serving forces personnel. Political parties and affiliated organisations should be banned from collecting and soliciting block postal votes.
Response E	Stiff prison sentences for any form of voter fraud. The law must be applied vigorously for voter fraud.
Response F	A random police check or presence at voter stations, specifically looking for potential voter fraud, tampering, and ID fraud.
Response G	The CPS should be issuing prison sentences for any form of voter fraud, or election interference.
Response H	Yes
Response I	Yes
Response J	Yes
Response K	<p>The two biggest factors that are threatening the democratic process in the UK, are (A) The media, and (B) the judiciary and the police. I would contend that OFCOM are failing to ensure that every political party is receiving a fair and equal amount of air time to get their policies over to the public, and that TV reporters and news anchors are deliberately wasting a candidates air-time on smear campaign type questions that prevent that candidate from getting their parties point across. This is directly interfering in the election process and paints a false and biased view to the public. The Electoral Commission should have the power to intervene to prevent this from happening. (B) it was also found on several occasions that the Labour party, and their affiliated organisations were actively lobbying venues (and using the county police forces) to close down any events or candidate rallies of the opposition because they deemed it to be it "hate speech". This should be a banned practice, because, again this is directly interfering in the election process, and should come under the jurisdiction of the electoral commission to ensure that "all" candidates receive a fair and equal public hearing. In a free and democratic country, every political viewpoint is equally valid, and as such, I believe it is the duty of the electoral Commission to ensure that no party resorts to the suppression of another parties voice to gain an advantage. That is NOT how democracy should work. It is for the electorate to make up their minds, not the media or the Police.</p>

13. Mr Roger Hurst, Presiding Office for 40 years

Response A	<p>Reduce the quantity of posters in Polling Stations. Make all posters clear and add colour and graphics to attract people to read them. Print statement on all ballot papers stating penalties for fraud and for coercion to commit fraud. Increase penalties to include prison sentences.</p> <p>Make it mandatory that photographic (passport, driving licence etc) evidence be provided to confirm a persons identity together with proof of residence such as a utility bill. Make it mandatory that a persons' face must be visible and not obscured by anything preventing that, including items worn for religious or cultural reasons. Provide Presiding Officers with greater legal powers to prevent the casting of a vote where the Presiding Officer suspects fraud or other misdemeanour.</p> <p>Ensure all media platforms, including social media, carry clear, informative and encouraging messages for voters. Endeavour to educate young people by including information about voting in education curriculums.</p> <p>Provide media information about the way voting has effected peoples' lives in the past as well as how it can in the future.</p> <p>Ensure all information includes clear statements of its' source and whether that source is independent to any political organisation</p>
Response B	<p>Utilise computer software to monitor statistical anomalies and to provide detail sources of such anomalies. Make data available for each Polling station and every counting centre. Provide information to Police forces about voting fraud and anomalies so that action can be taken. in particular where groups of people or organisations are conducting fraud and acting illegally to influence elections. This is especially important where such groups could be terrorist groups.</p>
Response C	<p>Require all Presiding Officers and Returning officers to provide feedback on the events of the election within their sphere. This to be followed up by face to face interviews if the Electoral Commission Officers feel it to be of benefit.</p> <p>Encourage voters to raise any specific issue they feel needs addressing, by offering them the opportunity to give feedback after they have voted.</p>
Response D	<p>All information concerning the election must include a clear statement of it's source and the basis on which it has been provided.</p>
Response E	<p>Penalties for fraud must be stated more clearly and prominently in all communications concerning the election. Including electoral publicity as well as the official documents and forms. Successful prosecutions must be reported ion all media including the various social and internet media. Where fraud has taken place the Electoral Commission must have power to require a repeat election and the person/persons convicted of fraud together with those who've benefited from such fraud, must be prohibited from participation in all future elections.</p>
Response F	<p>When analysing feedback from the professional officers involved in elections, it should include reviews of what would help increase voting participation. The feedback from voters should be included and schools, educational establishments and non-political organisations could also be regularly asked for their views.</p>
Response G	<p>Increased fines are essential as are prison sentences especially where organised fraud is conducted by groups and/or organisations. Such sentences must be mandatorily</p>

	reported in all media so that future fraud is discouraged.
Response H	All expenditure must be declared and this must include expenditure through offshore locations such as Gibraltar, Channel Islands etc and companies and organisations both UK and foreign based. Media must clearly state where reports and "news" has been sourced from any person or organisation contributing to the campaign costs of any person in the election.
Response I	This loophole must be closed as it clearly can lead to temptations to avoid declarations of expenditure. It serves no benefit to the electorate.
Response J	An effective and necessary action. It must cover all media wherever it's generated.
Response K	I trust that a fairer system will allow many of us who feel disenfranchised for living and voting in a "Safe" seat, will lead to all of us in the electorate to be able to effectively cast a meaningful vote which gives us a voice in a democratic system. It cannot be right that the future of the parliamentary membership is determined by only a small number of electors who vote in seats where there is a real chance of proper representation. Many people who are entitled to vote, fail to do so as they see little point when the outcome in "safe" seats is perceived to be pre-ordained.

14. Dr. Steven Ford, private citizen

Response A	The root origin of any funding, goods or services that any candidate or party employs must be known and the information easily and directly obtained by any person or organisation. The transfer of any funding, goods or services through any intermediaries, no matter how many layers, must be known. The origins must be named individuals and not organisations. The root origin must always lie within UK jurisdiction.
Response B	Deterrence will only be truly effective if the candidate(s) is/are directly penalised and they must bear ultimate responsibility for the conduct of themselves, their servants and agents and their party. Rather than imposing financial penalties on offenders, since that would unfairly penalise less well resourced candidates, I offer the suggestion that where an offence is detected the candidate should be barred from any and all public office, whether elected or not, for life - and that would include involvement in lobbying, think tanks or any such contributory or influential role in national or local affairs.
Response C	The very many potential sources of information or complaint need a single point of contact to the formal process of investigation. That process must command public confidence and should therefore be a genuinely independent statutory body, funded from general taxation and whose members should include lawyers, police, security services, representatives of the public, ethicists, academics, relevant bodies such as ERS, etc. When elections are due the body should be amply supplemented by administrative staff though between elections the staffing might be less.
Response D	All parties and candidates must receive and acknowledge receipt of the regulations.
Response E	The penalties must impose genuine severe jeopardy for the candidates or parties. The penalties mentioned on the previous page should be noted. Any funding which does not have an individually named and verifiable root origin within UK jurisdiction will be immediately forfeit to the crown. Where a root origin of funding, goods or services lying outwith the UK jurisdiction is known or suspected the candidate and party are immediately barred from contention (if the vote has yet to occur) until/unless the defect is remedied or the vote involved is declared invalid and rerun without the offending candidate or party taking part.
Response F	Please see answer on previous page.
Response G	As mentioned above - I offer the suggestion that non-financial penalties would be more effective and more equitable. Financial penalties must never allow the well resourced to treat the system with contempt. Eliminating offending candidates and parties from elections is easier and more equitable.
Response H	Fully agree. The information to be conveyed in such a way that the ordinary reasonable citizen can understand it.
Response I	So long as the root origins of all funding, goods and services is identified the situation is OK.
Response J	Should there be a mechanism for detecting and managing indirect or covert influence on line?

Response K	<p>Crucially, I believe, the electorate must be able to readily distinguish between verifiable facts, opinions, beliefs, aspirations and intentions. Candidates and parties must mean what they say and say what they mean.</p> <p>Where information is presented as facts, when the candidate or party knew or ought to have known that the information was not objectively verifiable, then there must be penalties of sufficient severity to end the behaviour.</p>
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15. Mr Norman Christie, Individual, Electoral Reform Society

Response A	Funding of pressure groups and their leaders.
Response B	Strict allocation of funds from an independent central fund. No private donations to be allowed.
Response C	The present monitoring by the Electoral Commission is not sufficient. They were unwilling/ unable to investigate discrepancies in the 2016 referendum until pressured by groups, ERS, 38 degrees etc. These shortfalls are still outstanding, and we are now facing the outcome of an election of another Conservative leader of a minority government.
Response D	A permanent independent judicial commission
Response E	Sequestration of funds whilst investigations are carried out. Lifetime ban on all party officers regardless if party found guilty.
Response F	A beefed-up electoral commission.
Response G	Yes
Response H	Yes
Response I	Yes, see my suggestion.
Response J	If this cannot be policed properly then ban it.
Response K	No

16. Madeline Peasgood, private citizen

Response A	
Response B	
Response C	
Response D	
Response E	
Response F	
Response G	I hope this can be achieved
Response H	I hope this can be achieved
Response I	This needs attention
Response J	This needs attention
Response K	I would love to see our electoral system reformed so that we had a good form of proportional representation - not one dominated by party lists

17. Dr William John Tobin

Response A	Extensive reporting requirements, available on-line to the public
Response B	Imprisonment, disbaral (is that a word?) from office, fines; a monitoring body with teeth.
Response C	Proactive monitoring, not after the event
Response D	Laws and an enforcement agency
Response E	Laws and an enforcement agency
Response F	Laws and an enforcement agency
Response G	I think being barred from office and imprisonment must be available sanctions too, given the seriousness of undermining democratic processes
Response H	And the reporting must be done frequently e.g. every third day during a campaign, and must be available to everyone, not just the enforcement authority.
Response I	This is a difficult one, because it is appropriate that there should be coordination between different groups supporting broadly the same aim e.g. in a referendum. But it is also a way to get around spending limits. On balance, I think we have to prohibit money transfers between political groups.
Response J	Absolutely!
Response K	Not perhaps your remit, but the other big issue is gerrymandering. The Cabinet Office estimates that some 3½ million British Citizens were unable to vote in the 2016 referendum because of the 15-year rule. (And then there are ~2.2 million EU citizens resident in the UK, and 1½ million 16- & 17-year olds.) This is a large number of excluded voters -- much larger than the Leave majority -- most of whom would probably have voted Remain. Parliament may have authorized this biased franchise, but as one of the excluded whose life has been upended by a decision in which I was not allowed to participate I am *absolutely furious*. I look at the UK and I am reminded of a bunch of slave owners who have voted to maintain slavery and are asking what the slaves could possibly complain about: it was a fair vote mandated by the owners.

18. Dr/Mrs Jill Brian, Labour Party, MDU, retired NHS

Response A	Vital
Response B	Laws and Increased sanctions
Response C	Electoral Commission
Response D	<p>Every political donation however small should be declared. Fraudulent/illegal donations can currently masquerade as multiple small donations which do not have to be declared.</p> <p>I think all political donations should be declared, not just during elections.</p>
Response E	<p>Electoral Commission needs sufficient resources and staff. Also much greater sanctions, including imprisonment.</p> <p>Funds from outside the UK should be excluded.</p>
Response F	<p>Political parties should be declaring all donations, not just for elections, as I believe they have a grace period after an election has been held which makes a mockery of the election result.</p>
Response G	I agree but would add imprisonment as an option.
Response H	I agree but I would add all funds donated, not just at campaign time.
Response I	<p>I agree. At present this can be a way of hiding funds taking the amount over the limit. When caught out it is often the wrong person who is penalised (eg: the young student volunteer who is being used)</p>
Response J	I agree . Off-line advertising also needs monitoring for it's veracity (eg: £350m per week for the NHS)
Response K	<p>A significant number of UK based EU citizens were excluded from the recent EU elections. Many work in the NHS & Care Services. They deserve to be represented. All young people should receive Citizenship lessons in school as a right, a compulsory subject.</p> <p>I am pleased that one of my grand-daughters, aged 9yrs had a school trip to Westminster. She lives in Sheffield.</p> <p>Many young people have strong views about remaining in the EU and when the new Tory Leader/Prime Minister is elected I hope that he will agree to a public vote on whether the people want to stay in the EU or leave.</p> <p>I hope that consideration will be given to lowering the voting age to 16.</p> <p>I also hope that changing the FPTP system for General Elections will be considered as it fails to represent so many people. It results in anomalies like the Green Party having only one seat in Parliament. A properly proportional system should be a much fairer system.</p>

19. Professor Justin Fisher, Brunel University London

Response A	Digital imprints; Frequency of reporting
Response B	Review the level of fines available to the Electoral Commission relative to party size
Response C	Regular review of electoral law
Response D	Increase the frequency of donation reporting
Response E	Review the level of fines
Response F	Establish unit to regularly review electoral law
Response G	See attached
Response H	Not practical at candidate level - see attached
Response I	See attached
Response J	See attached
Response K	See attached evidence

20. Mr Stephen Priest, Independent

Response A	Each individual vote will count without influence or tamper
Response B	Punishment in the form of a deterrent would be not be able to stand again..ever!
Response C	The system is still open to access and corruption. Individual (where possible currently) an independent electronic vote, after proof of identity perhaps similar to Airport and passport access and control
Response D	Every (as many as possible currently with current technology) vote recorded in real time as submitted. This would speed up counting also. Stop outside (exit) canvassing of vote information.
Response E	Anyone found cheating lose their right to stand againever!
Response F	Individual electronic vote after Airport style I.D. proof
Response G	It is on the right lines but not harsh enough if actually proven to cheat!
Response H	Without doubt
Response I	OK!?
Response J	Sounds fair enough but some flexibility in the reform should be allowed for continued adjustment
Response K	I feel that in this age of false reporting and advertising that if we cannot protect the democratic system of voting by the individual and be as sure as the result as possible then there is little point in having a democracy. If, however, the accuracy can keep on improving to fairer reflect the individual vote than its time also to remove first past the post as a system of Government.

21. Mr Christopher Tradgett, None

Response A	We must have clarity on wheee campaign funds come from - and the vested interests behind them. There is too much influence exercised by dubious 'research' groups funded by God knows who
Response B	Fines for electoral fraud should be truly punitive - in to the £millions
Response C	MUST be independent
Response D	Specious lawsuits and NDAs should be outlawed
Response E	
Response F	
Response G	Agreed
Response H	Agreed - including the original source of funds channeled via 'research' groups
Response I	Agree
Response J	Agree
Response K	

22. Mrs Maxine CRADDOCK

Response A	Funding of campaigners
Response B	More powers to investigate and fine or invalidate result
Response C	More funding for watchdog organisations
Response D	Investigative powers - more due diligence type work - more disclosure
Response E	Bigger fines / disqualification powers
Response F	Proper Funding
Response G	Yes
Response H	Yes
Response I	Not sure
Response J	YES
Response K	

23. Ms Jane elizabeth hale, Retired

Response A	There is lack of transparency and it seems it is impossible to control the likes of Facebook and track and prevent foreign interference and financing by powerful people who haven't got Britain's best interest at heart.
Response B	Those in the position of holding to account and protecting our democratic institutions are toothless and I would describe them as complacent.and that includes our politicians both in government and opposition.
Response C	Apart from a few brave journalists and whistleblowers and a small select committee,no one seems concerned that our democracy has been corrupted,my MP JeremyHunt certainly isn't ,neither is our opposition ,I have emailed, written , phoned the Labour party and apart from Tom Watson get no reply.
Response D	This needs to be transparent, all details of interference available for all to see,and body set up to protect our democracy that acts and has real clout .
Response E	The undermining of our democracy should be a punishable offence with a long prison sentence and an enormous fine ,I believe it as bad if not worse than treason.
Response F	A truly independent BBC ,a press that serves the public interest,and the body set up to protect our democracy proactive in protecting it ,by educating and informing the public as to the implications of a corrupted democratic process,and the value of democracy.An ability to hold companies like Facebook Google and PayPal to account .Our democracy needs protecting or otherwise, I like many others I know will cease to see the point in voting.
Response G	I fear I have lost faith in the Electoral commission,we need a body that has much more effective way in protecting something so vital for the future of our country
Response H	YES
Response I	This whole situation is unbelievable if someone wishes to corrupt our democracy they will find ways to behave deviously.How naive can we be.
Response J	Yes, but we need a worldwide control of what Facebook Google etc are up to,at least the EU is doing something about this situation but as with climate change Britain decides to have 3yrs of Brexit madness and does nothing.
Response K	At the the moment I can only describe my feelings as despair,increased tension with Iraq ,a racist and narcissist in the White house,the potential of having to accept that Johnson is going to be my PrimeMinister, a sixteen year old having to tell the world's leaders how urgently we need a climate emergencyand a defunct democracy,I only hope there are some people out there who are prepared to put their country before themselves.

24. Mrs Julia Seiber Boyd, Cambridge Szeged Society

Response A	There seems no come back when people are told 1 week they can vote & nothing further is required - then on Polling Day find their name crossed off & nobody will take responsibility. Equally, people living abroad and not in receipt of their Ballot Papers - to whom should they make urgent contact to avert the situation experienced my millions on the last occasion?
Response B	The penalties for this kind of ineptitude or deliberate disenfranchisement should be severe. Nobody yet has even admitted there was a mistake, let alone a concerted attempt to deprive people of their vote.
Response C	local parties and Local Authorities should be far more alert to such attempts to skew the vote.
Response D	Local Authorities MUST check if any additional forms are required & warn people in advance - instead they gave the exactly opposite (and apparently erroneous) information. WHY?
Response E	Electoral Registers & eligibility to vote should be made crystal clear months in advance, with reminders & sample forms being readily available. Anyone found to have been deliberately or very carelessly implemented in the recent debacle should be summoned to give evidence as to why they acted as they did? why they should not lose their job?
Response F	greater clarity would make this a simple task.
Response G	Agreed - and there should be much greater provision for votes to be called NULL due to a) electoral fraud, b) disinformation, c) failure to apply voting rules properly and fairly. If Switzerland can do so, the UK should be able to do likewise.
Response H	Yes. And the source(s) of all donations.
Response I	Clearly they did co-ordinate their work/ expenses/ resources to a degree that was extraordinary - and what was the ultimate source?
Response J	The Media were also responsible for giving far more time to Farage & Boris (all good theatricals no doubt, but certainly not bias free)
Response K	The latest EU Elections outrage must be given a full Judicial Enquiry asap.

25. Mrs Belinda Taylor, None

Response A	Knowing - and having access to - what is being said/written on and off line by campaigners
Response B	Enforcable legal redress to ensure infringers are answerable, including serious fines or other penalty
Response C	Given fast-moving internet world, ensure that the law is adequate to meet the need for any up-dating
Response D	
Response E	
Response F	
Response G	Essential for successful policing of campaigns
Response H	I agree
Response I	This should cease
Response J	I agree
Response K	

26. Mr Darren Nelson, Unemployed

Response A	Crossovers between government employees and campaign organising
Response B	Ban ALL microtargeted ads. (I have been target of malicious ads) *Neural*
Response C	Campaigns restricted to TV, radio, leaflets, where 100% can be monitored. But now tech can microtarget tv's, special independent experts must be collecting info from viewers /consumers.
Response D	No microtargeting of ads. No pay-for outside political consultants. All must be done within *house*. Registered as a tory/lab/lib/green/ukip registered campaign team. All work checked for spending and technique. Tough penalties on breaking electoral laws. Simple old fashioned campaigning should be encouraged. US has turned into a circus and campaigns never stop. Wasteful. We in UK should lead by example and have the most honest campaign rules. Very strict enforcement on deliberate cheating. Those who cheat in elections should lose right to be a politician (if proven).
Response E	as above.
Response F	independent monitors picked by all parties.
Response G	agree
Response H	Not online. Use pen and paper.
Response I	agree
Response J	End digital campaigns completely. Restrict to TV, RADIO AND PRESS with restricted budgets.
Response K	Yes I reported being subject of an online psyops attack to my local hospital. They diagnosed me as having a psychotic episode and held me against my will for over a month. They did not believe what the Netflix Film #GreatHack will explain. My computer HACKED, my DWP applications HACKED, my ebay purchases HACKED, my airline booking tickets HACKED, my business purchases HACKED, my communication with NSFT mental health HACKED, my correspondence to government complaints procedures, HACKED. I have supplied evidence of this to MP Sandy Martin. A couple of years earlier in desperation I phoned Caroline Lucas office and tried to explain. It did not help, Caroline's office were still unaware of what was happening at that time. Her receptionist said "perhaps you should take the tablets as they told you to".

27. Paula Emmerich

Response A	Money given by economic interests or lobbys should be fully transparent (ideally banned)
Response B	
Response C	
Response D	
Response E	
Response F	
Response G	Agree
Response H	Agree
Response I	Agree
Response J	Agree
Response K	When fake/false info has been used and the Commission sanctions this, there should be an equally powerful ad campaign to counter the original campaign paid by the perpatrator

28. Ms Helen Rushby

Response A	full and detailed information should be available to the public online with facts, impact assessments and expert reports on all relevant areas. Campaigns must be truthful, with anyone involved open to prosecution if they are not.
Response B	Any MP, candidate or other campaigner should be challenged if they say things that are untrue or just made up. If they are proven to be lying they should be disqualified from public office for 10 years and made to pay any associated costs resulting from the lies. This would prevent Johnson becoming PM and mean he is responsible for all the billions wasted on Brexit so far.
Response C	The electoral commission is totally inadequate. Things need to happen in real time for monitoring to be successful with ALL methods both online and offline continuously monitored and any areas that break the law or mislead the public closed down immediately.
Response D	Ensure adequate lead in time for a full and detailed website to be produced to which each candidate makes a submission. Publicise the web address widely and make it available to those without computers in public libraries and government offices. Extend opening hours of all public libraries in the 4 weeks running up to the vote.
Response E	Prosecute media, MPs, candidates, campaign managers or anyone else that puts out articles or information that are misleading or simply lies.
Response F	Set up an effective system to monitor all information that is shared with the public both online and through all media. Give the electoral commission (or a new organisation) more powers and the ability to act quickly.
Response G	Excellent - but fines are not enough. The perpetrators have to be banned from public office or running a company for at least 10 years not just fined. Otherwise it is not a deterrent to most.
Response H	again it needs to be more than money. It is not just about how much they spend but what they say and do.
Response I	This loophole should never have been created - it must go!
Response J	yes absolutely.
Response K	we are about to appoint a PM who is a proven liar. whatever you do has to stop that being possible.

29. MD

Response A	All should be transparent and accountable
Response B	Must be in place and easy to comply with
Response C	Should be done at all times
Response D	
Response E	
Response F	
Response G	Agree
Response H	Agree/Should be accessible to all
Response I	Agree
Response J	Agree
Response K	

30. Dr Stephen Lunn, Private citizen

Response A	Nothing to add
Response B	If deterrence is always a post hoc penalty, some people will always take the risk because the prize of winning is worth it. A zero tolerance approach to rule breaking, with severe punishment AND the annulment of any result that was achieved in a process where rules were broken, is the only way to deter such people.
Response C	Nothing to add
Response D	
Response E	Any transgression of the electoral rules should lead to automatic annulment of the result, and re-running of the vote. Without this, the rules are toothless.
Response F	
Response G	Of course.
Response H	Yes.
Response I	Yes.
Response J	Yes.
Response K	What you are doing is extremely important: the integrity of our democracy depends on it.

31. Mr James Halsall

Response A	The funding of political parties. The present system does not seem to be working.
Response B	There is little deterrant in fining parties or individuals with amounts that are out of proportion with the funds they apparently use to influence elctions.
Response C	Our present monitoring is related to a bygone time. Communications are much more sophisticated.
Response D	
Response E	Our present system allows for individuals to be subject to criminal law, but the penalties should be much harsher.
Response F	To monitor elections in the modern world of mass comunication is extremely difficult. Trust is at the heart of the problem. Both from politicians and those monitoring.
Response G	Yes, they should be considerably more. When large amounts of money are involved,they should be related to the amount of money used.
Response H	Yes this is a good idea.
Response I	Yes, end financial transfers.
Response J	Yes, this is a good idea.
Response K	The heart of our problem, both in parliamentary elections and referendums is the 'first past the post' system. There is no perfect electoral system. As its retention is percieved as being in the interest of the major parties I, regretablely, dont see this changing. But. It is the cause of so much apparent apathy at voting time. A tribal voting attitude is inconsistant with producing a legitslature reflecting the make up of the electorate.Our present system is byzatine, and related to a fuedal time long gone. The present parliamentary problems have illustrated this with a vengeance. We absolutely have to apply ourselves to this, and not try and 'tune up' a system that will fail us,again, and again.

32. Mr Wilf Forrow

Response A	
Response B	If someone overspends, they obviously aren't short of money, so spending a bit more on a fine is no deterrent at all. There needs to be punishment with teeth, perhaps including a ban on future political activity for individuals and organisations.
Response C	
Response D	
Response E	
Response F	
Response G	Fines are not enough. Overspenders obviously aren't short of money, so spending more on a fine is no deterrent at all. There needs to be punishment with teeth, perhaps including a ban on future political activity for individuals and organisations, and ultimately, nullification of results. In serious cases, they should have the power to suspend the offender's campaigning for a period. We need a mechanism to punish deliberate lying and fake news. Not just by the campaigning groups, but by the media in general.
Response H	This is essential, for transparency and compliance - I don't see how we can avoid it.
Response I	Agreed.
Response J	Agreed. The elephant in the room is the press - what's the point in restricting spending when the big 4 'political' papers (Mail, Express, Sun, Telegraph) are allowed to print front pages that are worth millions every day, with no pretence of balance, or even truth,
Response K	Your brief is much too narrow. I support the 'Make Votes Matter - The Good Systems Agreement'.

33. Mrs Natasha Prior

Response A	agreed
Response B	Agreed
Response C	agreed
Response D	
Response E	
Response F	
Response G	
Response H	Agreed
Response I	Agreed
Response J	Agreed
Response K	

34. Dr William Lees

Response A	Electoral communications on social media are opaque. There is no obligation to disclose who has sent them, or what they contain.
Response B	Fines imposed after an election are not a strong deterrent. Investigations are taking months and years to conclude. Deterrence isn't working - fines are just dismissed by all parties as a cost of doing business.
Response C	Monitoring is focussed too much on investigation after the event. Powers are split between the Electoral Commission and the police. The scope and progress of investigation is opaque.
Response D	All electoral communications on social media should be published publicly, along with details of who created them and how they were targeted.
Response E	The Electoral Commission should have the power to control and address unlawful behaviour during the campaign itself. There should also be much clearer and more enforceable rules requiring elections to be re-run where campaigns have been conducted unlawfully.
Response F	The Electoral Commission should have much greater powers of investigation in their own right. They should monitor and audit campaigns while they are in progress, so that breaches can be identified and addressed during the campaigns rather than left to a subsequent inquiry.
Response G	The Electoral Commission should have equivalent investigatory powers to the police. They should have a duty to audit elections while they are in progress, and deterrence should focus on disqualifying participants who break the law rather than after-the-event fines.
Response H	Agreed. Online reports should also cover funding. Funding should be reported in sufficient detail to demonstrate that it is in line with laws on funding limits and on overseas funding.
Response I	The transfer of funds has demonstrably led to abuse and should be prohibited.
Response J	Agreed. This is very important in order to ensure that political statements made online are open to public challenge.
Response K	No

35. Mrs Geraldine Douglass, Retired

Response A	All matters claimed as fact should be backed by hard evidence. Where it is alleged that legislation (whether UK or EU directive) requires an outcome the the relevant section of the legislation should be identified. Where expert evidence contradicts a claim it should be acknowledged. Where statistics are referred to their source should be given.
Response B	Those claiming untruths as fact should be penalised if the error is not immediately and widely acknowledged. Failure to so acknowledge or repetition of the untruth should result in the the promulgator of the lie being a) fined heavily b) barred from further participation in the campaign.
Response C	The powers of the Electoral Commission should be increased. It should also be staffed sufficiently so that quick action can be taken. It is pointless having to wait months for results as delay prevents remedy of the ill.
Response D	The law of misconduct in public office should be codified and extended. It is too easy to say "I was not acting in the capacity/under my duty as a person in public office." Those seeking election or promoting a political cause during the period preceding a public vote should be held accountable for their lies. It was untrue to say "we send the EU £350m a week", or that Manx kippers had to travel with ice because of EU regulations. What policy each party means to bring forward to address facts, even if highly unrealistic, would not be actionable but basing the suggested policy on factual distortion would be.
Response E	As before : penalty fine and debarring from further involvement in the campaign.
Response F	Extension of the Electoral Commissions powers and staffing levels. A readily available complaints procedure to which fast response is required. Those asserting that a lie has been told should provide evidence of the false statement and also the reference on which they rely to show that it was untrue.
Response G	Yes. Additional powers and resources should be made available. I agree that the fine should be unlimited and their should be powers to enquire, under penalty for false reporting, into the funding of the particular party or person so that a deterrent level of fine can be imposed. Nobody knows where the Brexit Party obtained its money or how much it obtained or spent. I note that contributions may be from a UK resident person or company registered in the UK. That will, I think, cause difficulties for the EC when investigating the £25 supporters' donations. The payments were to the company which is UK registered so it seems that the Party would have been entitled to receive the payments passed on from that company. For that reason I suggest that the powers to enquire should include the capacity to investigate the origin of the money and to penalise those who sought to evade the current simple rule.
Response H	Yes, possibly. I think it will be difficult to deal with expenditure on social media advertising and paid or bot posting. Without the cooperation, enforced by law, of the social media companies, such as facebook and twitter, ascertaining how much has been spent and by whom will be impossible. Why would one declare an expenditure that cannot be discovered? If such companies were also required to provide on line information about such payments as they have received it would at least provide an opportunity for an assiduous whistle blower to identify omissions of which he was

	aware.
Response I	Yes.
Response J	Yes. It should be a requirement that the advertizing party deposit such material at the same time as they release the advertisement. Failure to do so should be an offence.
Response K	A restriction of polls, in the period prior to a vote, to registered polling companies should be considered. On line polls put up by interest groups are too easy to control by malignant entities.

36. Mr Matthew R Chadbourn

Response A	Sources of funding / lobbying
Response B	Avoiding the proliferation of "dark ads" which marred the Brexit referendum
Response C	Allow political parties or data companies to be prosecuted for ads without transparent sources (and, where practical, for false information)
Response D	Funding for ad campaigns to be publicly available, whether by "official" political party campaigns or lobby groups such as Emerdata
Response E	Increase maximum fine for political parties breaking electoral law
Response F	Adverts to be submitted for review by a transparency group before publishing
Response G	Agree
Response H	Agree
Response I	Agree
Response J	Agree
Response K	

37. Mr Peter Stanyon, Association of Electoral Administrators

Response A	<p>Publication of returns</p> <p>Candidates and agent's election expenses returns, and declarations are held by the Returning Officer and made available for public inspection. The Returning Officer and their staff effectively act as intermediaries in the regulation of election finance, with their employing local authorities meeting the costs incurred.</p> <p>We have recommended on several occasions that consideration should be given to developing an online facility for the submission of candidates' election expenses returns, with provision for both the candidate and agent to signify secure approval of the final return. Such a system should also provide a means for inspecting the returns, declarations and associated papers.</p> <p>In the Government's response to our 2015 post-election report 'Elections and Individual Electoral Registration – The challenge of 2015' when we made the following recommendation:</p> <p>2015 Recommendation: The UK Government and the Electoral Commission should consider developing an online facility for submission of candidates election expenses returns with provision for both candidate and agent to give secure approval of the final return. It is recognised that this would involve scanning all the receipts relevant to the return. Such a system should also provide a means for inspecting the returns and declarations, and associated receipts.</p> <p>The Government highlighted that the development of such a facility would likely incur substantial cost as an online platform would need to be developed, established and maintained. However, it was prepared to consider the recommendation further with the Electoral Commission, in consultation with key stakeholders such as Electoral Registration Officers and political parties. In addition, it should be noted that at a UK Parliamentary General Election within ten working days of the 35-day deadline for the submission of the expenses returns, Returning Officers are required to publicise in two newspapers circulating in their area the availability of the candidates and agents election expenses returns for inspection. They must also provide copies of these returns to the Electoral Commission, although in practice, the Commission does not request all of the documentation in every case.</p> <p>In our 2016 post-election and EU referendum report 'Pushed to the absolute limit: 2016 – the electoral year never to forget' we made the following recommendation: 2016 Recommendation 12-9: That the requirement on Returning Officers to publish the availability for inspection of candidates' election expenses returns in local newspapers at all applicable polls be revoked and that Returning Officers be placed under a new obligation to publicise their availability on the web.</p> <p>The Association remains extremely disappointed as to the lack of progress being made on both these recommendations dating back to 2015 and 2016.</p>
Response B	<p>At a UK Parliamentary General Election and other elections, candidates and their agents are required to submit an election expenses return and declaration to the Returning Officer within 35 calendar days of the election result. It is an offence not to comply with these requirements. However, the Crown Prosecution Service has continually failed to prosecute in cases where candidates and agents have failed to comply. This begs the question whether the current legislation is either relevant or</p>

	<p>effective. In our 2017 post-election report 'AEA post-elections report 2017: It's time for urgent and positive Government action' we highlighted that an urgent review was required and, if the requirement to make such returns is maintained in its current or an adapted format, it be properly enforced by the authorities. We made the following recommendation: 2017 Recommendation – 26: A full and thorough review of the processes that deal with the recording of candidates' expenses should be undertaken, including consideration of the return to, and subsequent reporting of, expenses to Returning Officers and the possible provision of online reporting and inspection mechanisms.</p>
Response C	<p>The Association does not have a view on this proposal as the AEA is not responsible for monitoring, however we fully support the Electoral Commission in their monitoring role.</p>
Response D	<p>Our responses above outline the recommendations we have made to the UK Government over the years which we have repeated below for ease of reference:</p> <p>Our 2015 post-election report 'Elections and Individual Electoral Registration – The challenge of 2015' made the following recommendation:</p> <p>2015 Recommendation: The UK Government and the Electoral Commission should consider developing an online facility for submission of candidates election expenses returns with provision for both candidate and agent to give secure approval of the final return. It is recognised that this would involve scanning all the receipts relevant to the return. Such a system should also provide a means for inspecting the returns and declarations, and associated receipts.</p> <p>Our 2016 post-election and EU referendum report 'Pushed to the absolute limit: 2016 – the electoral year never to forget' made the following recommendation: 2016 Recommendation 12-9: That the requirement on Returning Officers to publish the availability for inspection of candidates' election expenses returns in local newspapers at all applicable polls be revoked and that Returning Officers be placed under a new obligation to publicise their availability on the web.</p>
Response E	<p>Our responses above outline the recommendations we have made to the UK Government over the years which we have repeated below for ease of reference:</p> <p>Our 2017 post-election report 'AEA post-elections report 2017: It's time for urgent and positive Government action' made the following recommendation: 2017 Recommendation – 26: A full and thorough review of the processes that deal with the recording of candidates' expenses should be undertaken, including consideration of the return to, and subsequent reporting of, expenses to Returning Officers and the possible provision of online reporting and inspection mechanisms.</p>
Response F	<p>The Association does not have a view on this proposal as the AEA is not responsible for monitoring, however we fully support the Electoral Commission in their monitoring role.</p>
Response G	<p>The Association supports this proposal in light of the need to ensure that public trust on elections is maintained. In addition, offences should be made clearer and widened with consideration being given to include an offence of electoral interference.</p>
Response H	<p>The Association supports this proposal.</p>
Response I	<p>The Association does not have a view on this proposal.</p>

Response J	The Association supports this proposal.
Response K	The Association of Electoral Administrators (AEA) would welcome the opportunity to work closely with the APPG, UK Government and other stakeholders in progressing the recommendations outlined in our response.

38. Mr Paul Adams, Somerset Loves Europe

Response A	Public access to information.
Response B	Prevent bad practice of sharing funds between campaigns and accepting funding from foreign extreme political parties & groups.
Response C	Modernise the voting system and keep it up to date. The British political system is crying out for reform. I would like to see proportional representation and coalition Government.
Response D	Access to information by the public.
Response E	Prevent malpractice of accepting donations from foreign political parties and/or groups.
Response F	Modernise the British political system; less traditional and more democratic. Better representation, perhaps by a proportional representation voting system, leading to coalition Government, preventing hung Parliament in the future.
Response G	Agreed.
Response H	Agreed.
Response I	I agree.
Response J	I agree.
Response K	I am very pleased with this initiative because it is what the country needs.

39. Joe Mitchell, Democracy Club CIC

Response A	Elections campaigns have never been completely transparent. For example, the only way we have any significant information on printed election leaflets before the elections is through civil society efforts: Democracy Club's ElectionLeaflets.org tool. Nor will we ever be able to monitor what campaigners say on the doorstep. Voters deserve to know what candidates are saying, to whom, where they are saying it and how much they are spending on saying it. It's then up to the voters to use that information as they see fit. We would urge the APPG to recognise the value of making campaign information (from content, targeting and spending) open not just to regulators or the media, but to voters themselves, in real-time. The latter must be the case if voters are to be able to use this information to guide their decision-making.
Response B	
Response C	The Electoral Commission regularly makes recommendations, but it is not clear to us whether government or parliament has any responsibility to respond to, or consider, such recommendations. We would be interested to learn how this model compares with that of other regulators, such as Ofcom.
Response D	We urge the APPG to consider legislation that would mandate real-time reporting of all election communication. When a campaigner sends a mass email, prints a flyer, publishes an advert, they should have to send a copy to a central database, linked to a candidate, party and area. The owner of the central database must publish those adverts and the meta-data in real-time. Then journalists can monitor more easily and voters can see exactly what is being said where. This wouldn't cover one-to-one communication. Democracy Club runs ElectionLeaflets.org — a real-time election monitoring site that allows volunteers to upload leaflets, because there is no obligation for campaigners to record their leaflets. We do this in an effort to increase transparency and build a permanent record of election communication across the UK. We would be happy to see this project absorbed into an elections watchdog.
Response E	
Response F	
Response G	Fines are only one tool. Bans from participation in future campaigns, bars from public office or more serious criminal sanctions may be useful to consider, though care should be taken not to dissuade potential candidates/volunteers.
Response H	As we understand it, this information is already reported online. The problem is the timing: it happens after the vote. Voters must be able to access information on who funds campaigns/candidates before they make their decision. The USA has real-time reporting (triggered at certain levels of donation) — we should aim for something similar. Again, digital tech makes reporting and publishing extremely easy.
Response I	
Response J	There is no online repository of offline adverts either, so 'parity' is the wrong concept here. The online repository mentioned should be for all types of mass electoral communication, from emails to flyers to billboards to facebook ads and so on. Thanks to digital tech, mandatory deposits do not have to be in anyway onerous. The deposit

	<p>could occur automatically when using (e)mailing software, for example, or enforced at the platform end (the printer or social media company) rather than the campaigner end. For a very light burden on campaigners / platform-owners, this will produce very useful information for voters.</p>
Response K	<p>We would urge the APPG to note the importance of the lack of digital capacity within The Electoral Commission. It is now ten years since the UK Government set up the Government Digital Service and it has been obvious that digital is transforming every element of society and the economy for longer still. The Electoral Commission must catch up — perhaps through a ring-fenced budget for a cross-departmental digital team. We would also ask the APPG to consider whether there is another existing regulator that could take on a greater role here. Ofcom, the British Library (in its role as a copyright library) or the Advertising Standards Authority, for instance.</p>

40. Mr David Greenlees

Response A	Lying to voters
Response B	Instant disqualification from election
Response C	Every election communication should include a link to click to report dishonesty in that communication.
Response D	
Response E	
Response F	
Response G	Agreed. The fines should reflect the potential damage of the breach.
Response H	Agreed
Response I	Agreed
Response J	All social media should be banned from displaying all political advertising (not just election advertising) until they create a public database of verified advertisers and their messages to each specific group of people.
Response K	

41. Dr Alan Renwick, Constitution Unit, University College London

Response A	<p>Drawing on the report of the recent Independent Commission on Referendums, for which I was Research Director, and my own research report, co-authored with Michela Palese, on 'Doing Democracy Better: How Can Information and Discourse in Election and Referendum Campaigns in the UK Be Improved?', I would identify four principal concerns.</p> <p>First, some advertisements are readily visible only to those to whom they are targeted – the problem of 'microtargeted' 'dark ads'. This means that the volume of campaign activity may be opaque (both to voters and to regulators), that different sets of voters may receive mutually inconsistent messages, and that campaigners cannot properly be held to account for the claims they make. While the targeting of different messages at different voters has always been part of elections, online campaigning stretches it much further. The advertising archives established by Facebook, Twitter, and others begin to address this issue but do not resolve it.</p> <p>Second, in some cases, advertising is visible, but its source is opaque. This, as you know, is because imprints are not required on digital campaign materials. This may allow campaigners to lead voters in certain directions without voters realizing what is being done to them.</p> <p>Third, spending is often opaque. Reporting of donations is sometimes required during campaign periods, but the same does not apply to spending. Spending returns are not required in some cases until six months after the fact.</p> <p>Fourth, donations are also sometimes opaque. While weekly reporting is required for general elections, that is not the case for other elections. In referendums, the recent practice has been to require reporting every four or so weeks. There is no obvious justification for such variation. Why, for example, are donation reports for the European Parliament election campaign still not available?</p>
Response B	<p>While this is not the area of my primary expertise, I am aware of at least two problems. First, the long time that it takes to conduct investigations means that any punishment often seems a distant threat. Second, the Electoral Commission has long argued that the £20,000 limit on the fines it can impose is inadequate. Its case for this point is very strong.</p>
Response C	<p>Electoral law is spread across many locations and is very out of date. There are often inconsistencies (as the point above about different requirements in relation to donations for different kinds of elections illustrates). As many others have pointed out, rationalization and updating are badly needed. The digital space is developing very rapidly, and so processes for ongoing review are also essential.</p>
Response D	<p>First, archives of online political advertising should be regulated. Given that this remains a rapidly evolving space, it may be best to do this, at least initially, via voluntary agreement between government and tech companies. But ultimately the goal should be that the principles underpinning these archives are set by parliament or by a body accountable to parliament. In particular, greater information is needed on targeting than is currently offered. Assurances are also needed that advertising that does not comply with election law is not accepted.</p> <p>Second, consideration should be given to how to deal with the fact that campaign organizations can now produce many thousands of versions of their advertisements:</p>

	<p>even if all the information is available, such volumes hinder genuine transparency. Limits on the number of different advertisements that any one campaign organization can issue might be appropriate.</p> <p>Third, the extension of imprint requirements to digital campaign materials is clearly needed. This was already done for the 2014 Scottish independence referendum, and lessons can be learnt from that. There are undoubtedly difficulties in deciding exactly to what the requirements should apply and what form imprints should take, but the Electoral Commission and Cabinet Office have done much thinking on the matter, and it is possible to devise a solution that is much better than the status quo.</p> <p>Fourth, spending returns should be required more quickly – no more than three months after any election or referendum – and the Electoral Commission should be empowered to establish detailed requirements as to their content.</p> <p>Fifth, donation return periods should be standardized, or any variations between different kinds of elections clearly justified. Specifically, if weekly reporting is possible in general elections, justification for any deviations from that are needed.</p> <p>Sixth, alongside measures designed to increase transparency, greater resources should be focused on enhancing voters' digital literacy skills, so that voters are aware of the ways in which they might be targeted, how to find out more, and how to report anything they find suspicious. Tech companies might be placed under obligations to provide greater guidance for voters, and a digital levy might be used to fund campaign work by the Electoral Commission or independent bodies sponsored by the Commission.</p>
Response E	The measures above to enhance transparency would help the Electoral Commission in conducting timely investigations. The limit on the fines that the Electoral Commission can impose should be raised.
Response F	Much work has already been done to identify problems and propose solutions: the difficulty is not primarily that awareness of these matters is low, but rather than government has failed as yet to act. It is to be hoped that this will change once the basic Brexit question has been resolved. There are already some processes for ongoing review, notably through the Electoral Commission's excellent reports on elections and referendums. It is likely that fora for ongoing discussion among regulators of the digital space and between regulators and tech companies are needed. It is important that these should operate transparently: back channels are not sufficient to provide confidence among voters, candidates, and campaigners that emerging issues are being identified and tackled. There may be a case for increasing the resources available to the Electoral Commission for conducting research.
Response G	Changes in these directions would be highly desirable. Whether fines should be unlimited or subject to a much higher limit than at present would require consideration.
Response H	These changes would be highly desirable. Reporting of campaign spending should cover all forms of relevant spending, including online spending. It should be broken down in ways that are relevant to voters and regulators, and that includes detailed breakdowns of what has been spent online on what campaign activities targeted at whom at what time.
Response I	The important point is that any such transfer should count as spending by the designated lead campaigner.

Response J	These are all vital points. In addition, as noted above, targeting information needs to be detailed. In elections, for example, it must be clear if material has been targeted at people in particular constituencies. The criteria for targeting should in all cases be provided.
Response K	

42. Mr Roger Boaden, ECREU Expat Citizens Rights in the EU & British in Europe

Response A	
Response B	
Response C	
Response D	<p>The Electoral Commission</p> <p>The Electoral Commission (EC) needs a root and branch reform. Thereby ensuring there are more opportunities to recruit some key 'legal' figures who have the qualifications to ensure that any legal actions taken by the EC will stand up to the most detailed scrutiny in any Court in the land. It is also clear that the EC does need a boost in staffing numbers. I see the need for the EC to have a division which equates to, and which possesses, some of the powers of the CPS.</p> <p>In existing cases which have been referred to the Metropolitan Police there has been criticism of the failure of the EC to provide all the required documentation. If this is the case it highlights the weaknesses which exist in the existing structure of the EC. The arrival of the General Data Protection Regulation ('GDPR'), which regulates the processing by an individual, a company or an organisation of personal data relating to individuals in the EU, must be made as the cornerstone of the EC, despite the fact that the UK will soon be outside the jurisdiction of EU Law. The GDPR will allow the EC to establish some more detailed sanctions and penalties, particularly for large global corporations. The individual must be fully protected from any action undertaken by, or on behalf of, any large corporation, and the penalties must be of a size which will act as a real deterrent to those huge corporations.</p> <p>Big Data</p> <p>'Big Data' is here now, which is why some wealthy individuals and corporations have invested substantial sums to own, control, and manipulate data.</p> <p>If future elections/referendums continue to be regulated by Central Government, in that spending limits are set, there must also be the power to regulate any budgetary proposals from the campaign organisations, which can maintain a close monitoring of expenditure as it progresses.</p> <p>We cannot ignore what has happened in the past, such as during the Referendum Campaign, with the manipulation of a number of databases by Leave.EU and Vote Leave. Why? Because it is clearly continuing today, and we must examine in detail the number of differing organisations who have been using social media to post digital ads of rumour, disinformation and fake news onto the accounts of those who reply so heavily on social media. Many £millions have been spent since 2016 and continue to be spent.</p> <p>That expenditure must also be controlled! Why? Simply because the work being done right now is providing ideal conditions for developing, testing and proving software and systems, thus helping those undertaking that work into a position whereby they can use their Big Data in any future General Election or Referendum. There is then the question of the sources of the money which fuels that expenditure, and inevitably, we are forced to look across the Atlantic, and where so many right-wing think tanks, in particular, are suspected to find their funding.</p> <p>I would site two examples which cause me considerable concerns. First, is the daily publication of digital ads under the banner of Leave.EU, which continues to operate</p>

under the control of Arron Banks from his Bristol HQ. He has quite openly been pursuing entryism into Conservative Associations, and an oft-stated desire to undertake the de-selection of a range of Conservative MPs.

During the Referendum Leave.EU developed a database, using the systems, operations, and staff of Eldon Insurance, and it is now clear that customers of GoSkippy Insurance, were used to provide elements of the build for that database. A separate company owned by Arron Banks is Big Data Dolphins, with Liz Bilney as the CEO, operating from the same building as GoSkippy. Liz Bilney was the CEO of Leave.EU and is clearly a long-time confidante of Banks.

Arron Banks was very open about 'using' the submission made to Leave.EU by Cambridge Analytica, to develop his own 'database of truth', with Eldon Insurance actuarial experts undertaking the systems' development work for him. He did that in close a relationship with Gerry Gunster of the US company Goddard Gunster, who has clearly maintained that close working relationship, since Andy Wigmore, Banks's ever present partner in crime, is in regular contact with Gunster, meeting him in the past few weeks in London.

The Electoral Commission should have the power to investigate all the work currently being done by Leave.EU and Arron Banks from his Bristol HQ.

Second, I think the Electoral Commission must investigate The Brexit Party. The sudden 'launch' and rapid growth of financial 'supporters' is, in itself, highly suspicious. There is no way such large audiences could have been brought together at such short notice without there having been a substantial campaign of digital ads, and emails to the database which Nigel Farage clearly possesses. When one examines indisputable facts you find that the 'new' Brexit Party has been 3 years in the making, when Nigel Farage walked away from UKIP declaring he would be back. Then the six possible domain names for The Brexit Party were first registered in August 2016. And, The Brexit Party Ltd was registered with Companies House on 23 November 2018.

So, this idea, perpetrated by Nigel Farage that his 'new' Party was a bit like a 'pop up shop', is frankly far from the truth! Therefore, when one examines these simple facts, it is possible to appreciate that much work went into the creation of the 'new' Party, which given the razzmatazz associated with the launch and with subsequent Rallies, involved a great deal of financial support.

That in turn raises important questions about the source of that finance. It clearly did not come from the 100,000 supporters Nigel Farage claimed having launched, since there had been a lot of preparation beforehand. Even if you are a one-man band with no controlling committees, which is what both Arron Banks and Nigel Farage have called for, it is simply not possible to mount the level of marketing and publicity that this supposed 'new' Party was able to do so quickly. Take for example, the appearance of a logo and all the supporting materials which have been produced.

So where did the finance come from? Was it all from Arron Banks and Richard Tice, using their £millions up front for Nigel? Or were there other sources? It is critical to know this now, before this 'new' Party gets into a General Election Campaign. It is important because the establishment of The Brexit Party probably comes from a large scale use of data. The most obvious would be the use of the database which we know Arron Banks created in Bristol from Eldon Insurance and GoSkippy Insurance, plus the fact that both of them would have retained a copy of the UKIP database.

This, however, highlights how Big Data is created. The Banks's company Big Data

	<p>Dolphins, will by now have added so many data points to, for example, both the UKIP membership, and any electoral registers they have purchased, that the database now will be of their own creation. That enables them to store the re-worked database and scrap the original databases from which they have constructed the new database. GoSkippy has about 1.75 million customers, and it is rumoured that they were all invited originally to support Brexit.</p> <p>We must not forget that political ads in non-broadcast media whose principal function is to influence voters in local, regional, national or international elections or referendums are exempt from the Advertising Code. It is essential therefore for there to be work done to establish a code for political ads in non-broadcast media, given the levels of rumour, misinformation and fake news which have been used.</p> <p>The Electoral Commission has stated:</p> <p>'Campaigners can use digital and social media tools to direct their messages to the people they most want to reach. Campaigners use the personal data they and social media platforms have to target voters. They target voters based on demographic factors like age and gender, on their interests and on their physical location. This is often called 'micro-targeting' because campaigners are able to send messages tailored to specific groups of voters based on this information. They can also adjust the messages they send very rapidly, to take account of what seems to work best with particular groups or individuals.</p> <p>'Only the voter, the campaigner and the platform know who has been targeted with which messages. Only the company and campaigner know why a voter was targeted and how much was spent on a particular campaign. This is why the term 'dark ads' has been used to describe micro-targeting, although it is perfectly legal.'</p> <p>For me, this sums up the problem for which we need an urgent solution.</p>
Response E	<p>Spending Online</p> <p>The revelations by the DCMS Select Committee have shown in stark reality the degree to which 'dark money' has become synonymous with 'dark ads'. Micro-targeting - that is micro-targeting via the social media - imported by a British company from the US, backed by substantial sums of US money, has been shown as the single most influencer of the Referendum Campaign. In the 80s and the 90s I had worked with Experian to develop micro-targeting, but what I learnt then does not begin to compare with what the advent of social media enables any company or organisation to do now. Dominic Cummings, who was the Campaign Director for Vote Leave, backed up by Thomas Borwick the Vote Leave Chief Technology Officer, has provided evidence that they posted 3 Billion digital ads onto the social media accounts of 8 Million British electors. They started on day one of the 'official' campaign, but half of the ads went out in the final 3 days. Leaving aside any of the fines and reports for criminal investigations, that is an almighty number of digital ads used to persuade, what Cummings had called 'The Persuadables' to vote Leave.</p> <p>When you link those figures to what the Electoral Commission said: Only the voter, the campaigner and the platform know who has been targeted with which messages. Only the company and campaigner know why a voter was targeted and how much was spent on a particular campaign, we have to recognise the urgent need to find mechanisms which will regulate, and if necessary control the content of what is posted hour by hour.</p> <p>The unsuspecting 'targets' must be protected from rumour, disinformation and fake</p>

	<p>news. Full details to be found on this site: https://www.facebook.com/ads/library/report/?source=archive-landing-page&country=GB</p> <p>For example, three organisations, which are not political parties, spent £1.325 million on digital ads with Facebook in the ten months to 23 July 2019.</p> <p>Two of the organisations could broadly be described as anti-Brexit, People's Vote (£472,842) and Best for Britain (£428,401) and both have a detailed background which can be verified. The third, is a shady organisation which is very pro-Brexit, and appears to be controlled by one individual, called Tim Dawson. This is Britain's Future (£423,835).</p> <p>By contrast the three main Parties spent £639,000 in the same ten month period. Conservatives (£188,239); Labour (£170,256); and LibDems (£280,338). Clearly some of Party expenditure was spent on achieving contacts for the 23 May European Parliament Election, and presumably that expenditure will appear in the accounts the Parties will submit to the Electoral Commission. It is important to note that at the beginning of this year The Guardian carried an article about Britain's Future, and this is what appeared in that article. 'Dawson did not respond to multiple requests for comment on whether he is subsidising its activities himself, whether he is relying on public donations, or whether there is another financial backer. He is the only public individual associated with the group.'</p> <p>The Guardian article went on: 'Many of the adverts placed by Britain's Future use localised targeting to a greater degree than Vote Leave did in the 2016 EU referendum campaign and are designed to encourage members of the public to send messages to politicians who are making up their mind on which side to back in Tuesday's crunch Brexit vote in the House of Commons.'</p> <p>'Facebook introduced new rules on political advertising transparency at the end of last year after a series of scandals associated with the 2016 US presidential election and the EU referendum. They require all political advertising to be labelled, to be placed in a public archive for seven years, and for those placing the adverts to verify they are living at a UK postal address.'</p> <p>'However, the new rules do not force an advertiser to declare the ultimate source of the money for any political campaigns, meaning it is simple to place adverts with minimal transparency on who is ultimately picking up the tab.'</p> <p>Britain's Future does not appear in the FacebookAdLibrary Report for the past 90 days, which rather neatly has avoided the need to register with the Electoral Commission. So, someone decided it was appropriate to spend getting on for half a million pounds to get across pro-Brexit messages - no reporting, no presenting of accounts, no evidence of funding. Britain's Future has to be properly regulated in future!</p> <p>The rules which apply to political parties should also apply to any organisation which enters the political arena with online digital advertisements which go into the social media. They should be registered and should be accountable for the sources of their finance, and for the expenditure which they undertake.</p>
Response F	<p>Strengthening digital campaigning laws.</p> <p>Digital campaigning laws must be strengthened. We need a root and branch reform of the laws which exist. However, I believe this needs to be carried out alongside a major reform for all electoral law. It is now clear that digital advertising has become the major tool being used by some political Parties as the primary tool for their campaign plans.</p>

	<p>This has lead to the entry into the campaigning environment of a number of organisations which are not directly related to registered Parties.</p> <p>I can do no better than to direct you to a number of key paragraphs from the final report of the DCMS Select Committee - Paragraphs 211 to 217 inclusive.</p>
Response G	I agree
Response H	I agree
Response I	I believe there needs to be some very strict rules concerning all expenditure.
Response J	<p>The FacebookAdLibrary already provides us with spending on Facebook digital ads.</p> <p>We need there to be a National repository.</p>
Response K	<p>The comments I have included here are my own. They, in part represent issues discussed within both ECREU and BiE, but they do not represent a view, or policy decisions of either organisation. I am a founder member of ECREU, and a member of the Steering Team of BiE.</p>

43. Privacy International

Response A	<p>Privacy International believes that transparency of digital advertising and online political campaigning is fundamental to ensure free and fair elections in the modern age. Political campaigns around the world have turned into sophisticated data operations. The Cambridge Analytica scandal, while not unique, raised awareness about the potential impact of the combination of profiling, micro-targeting and powerful machine learning on electoral processes.</p> <p>Privacy International has documented how online targeted advertising is facilitated by a complex and opaque ecosystem that includes AdTech companies, data brokers, and other third-party companies that track people on websites and apps and combine this data with offline information. Profiling and data-driven targeting techniques used by the broader digital advertising industry are increasingly deployed in the political campaigning context, with various companies offering specific services tailored to the election context. In the UK, the Information Commissioner's report Democracy Disrupted (https://ico.org.uk/media/action-weve-taken/2259369/democracy-disrupted-110718.pdf) and updates to the DCMS Committee in July (https://ico.org.uk/media/action-weve-taken/2259371/investigation-into-data-analytics-for-political-purposes-update.pdf) and November (https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf) 2018 reference a number of such companies.</p> <p>Companies and political parties are subject to the principle of transparency under Article 5 of GDPR and under a duty to provide information to those whose data they process (Article 13 and 14 of GDPR) as well as information as how it has been processed and to provide access to it (Article 15 of GDPR). To date, there is a long way to go in terms of their compliance with these provisions (as PI highlighted in submissions (https://privacyinternational.org/advocacy/2426/our-complaints-against-acxiom-criteo-eq-uifax-experian-oracle-quantcast-tapad) to the ICO and other data protection authorities about a number of companies in the data broker and ad tech sector). GDPR is only just over a year old and still in the early phases of enforcement. More needs to be done to ensure that all actors pro-actively implement and respect these obligations.</p> <p>Transparency at every level must be proactive and up to date. Adequate information should be provided to voters explaining why they are receiving a particular message, who is responsible for it, and how they can exercise their rights to protect their data and prevent being targeted. Such transparency should not be limited to advertising, but also include the delivery of other content, such as the methods of curation, filtering, pushing, and recommendation of content. Transparency to individuals about why they are seeing a particular message must be accompanied by transparency by political parties and campaigns of the tools and services they are using, as well as their messaging. This includes providing much more information on the sources of data, what is being done with that data, who is being targeted with what messages and what companies are being contracted and for what services, such as a campaign software, consultancy services etc.</p> <p>Political parties and other political actors should, as a minimum:</p>
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- ensure that the public can easily recognise political messages and communications as well as the party, foundation or organisation behind them. They should make available on their websites and as part of the communication, information on any targeting criteria used in the dissemination of such communications.

- be transparent as to the third parties they contract with as part of their campaigns both to obtain data and to further process data, including profiling and targeting, such as data brokers and political advertising companies together with those that provide consultancy services and software.

Companies that are hosting or distributing political advertising must, at a minimum, disclose information as to:

- how political advertising and social 'issue-based' advertising is defined;
- number of impressions that an ad received within specific geographic and demographic criteria (e.g. within a political district, in a certain age range), broken down by paid vs. organic reach;
- targeting criteria used by advertisers to design their ad campaign, as well as information about the audience that the ad actually reached;
- information about ad spend per political actor;
- information about microtargeting, including whether the ad was a/b tested and the different versions of the ad; if the ad used a lookalike audience; the features (race/ethnicity, gender, geography, etc.) used to create that audience; if the ad was directed at platform-defined user segments or interests, and the segments or interests used; or if the ad was targeted based on a user list the advertiser already possessed.

Recently, a variety of transparency tools have been developed, including extensions which users can add, such as WhoTargetsMe or recently in Argentina Publi Electoral (<https://publielectoral.adc.org.ar/>), and ad archives by major platforms. These responses are important in terms of the information that is provided to individuals and also the information that can be gathered for the purposes of research and scrutiny.

The ad archives are a work in progress and there remains much to be done. It is still unclear how they apply across the world and researchers have faced difficulties (<https://blog.mozilla.org/blog/2019/04/29/facebooks-ad-archive-api-is-inadequate/>) despite setting out some steps that could be taken to make the ad archives more effective

(<https://blog.mozilla.org/blog/2019/03/27/facebook-and-google-this-is-what-an-effective-ad-archive-api-looks-like/>). Furthermore, despite political parties and campaigns being required to provide certain information as noted above, privacy policies where at least some level of transparency could be provided without reliance on third parties, also to do not provide enough details. For example, see our analysis of the Conservative party leadership campaign

(<https://privacyinternational.org/long-read/3019/how-uk-conservative-leadership-race-la-test-example-political-data-exploitation>). Further transparency was also a key part of the EU Code of Practice on Disinformation

(<https://privacyinternational.org/news-analysis/2824/european-parliament-elections-protecting-our-data-protect-us-against>).

Privacy International recommends that the APPG map out such tools and efforts, in consultation with those regulators already considering this issue, including the UK ICO and the Electoral Commission as well as civil society and researchers.

Response B	<p>The GDPR and the Data Protection Act 2018 ("DPA") already provide the UK with tools to begin to tackle some of the issues of concern to the APPG. Privacy International encourages measures to support the enforcement of this regulatory regime. In theory, data protection law in the UK strengthens the rights of individuals with regard to the protection of their data, imposes more stringent obligations on those processing personal data, and provides for stronger regulatory enforcement powers. In practice, just over one year on, a lot more still needs to be done and changes are only starting to take place.</p> <p>Privacy International has identified three main shortcomings related to the deterrence/enforcement legal framework in the UK.</p> <p>First, the DPA contains exemptions for political parties that threaten to undermine protections. Paragraph 22 of Schedule 1 of the DPA 2018 permits political parties to process personal data "revealing political opinions" without the need for consent. Privacy International and other organisations expressed serious concerns about this loophole during the drafting the DPA 2018, and we called (so far to no avail) on all main UK political parties to publicly commit not using the exemption provided in the law to target voters - both online and offline - in all local and national forthcoming elections or by-elections (https://privacyinternational.org/press-release/2032/privacy-international-asks-major-uk-political-parties-commit-not-using-legal). A similar provision in the Spanish data protection law has since been declared unconstitutional (https://www.tribunalconstitucional.es/NotasDePrensaDocumentos/NP_2019_076/Pres%20Release%20No.%2076.2019.pdf) and another in Romania is the subject of a complaint to the European Commission (https://privacyinternational.org/news/2735/romanian-ngo-files-complaint-european-commission-national-implementation-gdpr).</p> <p>PI recommends that the APPG investigate how and for what purposes political parties in the UK are relying on this provision. Second, there is a need for collective redress mechanisms that empower civil society, which are currently not envisioned in the law. Regulatory regimes are stronger and more effective if the ability of individuals to make complaints is supplemented by the ability of civil society acting in the public interest to bring complaints. This is particularly important if complaints are to address and prompt scrutiny of systemic issues, including those that might impact on more than one individual, particular groups, or society as a whole. This is recognised to an extent, for example, in the introduction of Police Super-complaints (https://www.gov.uk/government/collections/police-super-complaints). This mechanism has been used by Liberty and Southall Black Sisters to challenge Police data sharing for immigration purposes (https://www.gov.uk/government/publications/police-data-sharing-for-immigration-purposes-a-super-complaint).</p> <p>Such mechanisms are particularly important from a privacy perspective, as privacy invasions are often invisible, harms frequently only happen in the future, and they always affect some people more than others. The need for a form of collective redress and to empower civil society to take action is recognised in Article 80(2) of GDPR. Article 80(2) provides for the ability of "not-for-profit body, organisation or association, which has been properly constituted in accordance with the law of a Member State, has statutory objectives which are in the public interest, and is active in the field of the</p>
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	<p>protection of data subjects' rights and freedoms with regard to the protection of their personal data" to make complaints and seek an effective remedy under GDPR independently of a data subject's mandate. The benefits of such a provision have been explained by the European Data Protection Supervisor (https://edps.europa.eu/press-publications/press-news/blog/civil-society-organisations-natural-allies-data-protection_en) and by Privacy International (https://privacyinternational.org/blog/1050/why-we-need-collective-redress-data-protection). In spite of this, Article 80(2) of GDPR was not implemented in the DPA. Instead, it will be the subject of a review 30 months from the DPA having come into force (section 189(2)(c) of the DPA). PI encourages the APPG to consider mechanisms for the introduction of a super complaints or other forms of collective redress (such as in Article 80(2) of GDPR) to enable civil society to tackle systemic issues undermining protections for individuals and society. Any such measure should supplement and bolster, not replace, the ability of individuals to complain and/or to be represented by civil society in complaints. At a minimum, the APPG should engage with the promised review of Article 80(2). Third, there is a need for joint cooperation and enforcement between regulators. Threats to the election come from different actors and require both the engagement of multiple regulators as well as coordination among them. This need for coordination in enforcement (and monitoring) was highlighted in measures adopted by the EU in the run up to the 2019 European Parliament elections. The EU demanded measures from European member states, particularly focussing on cooperation between national authorities with competences in electoral matters and authorities in connected fields (such as data protection authorities, media regulators, cyber security authorities etc).</p> <p>Given the role of personal data, it was considered of particular importance that the data protection authorities collaborate with relevant election authorities both at national and European levels, including in sanctioning infringement of data protection rules where such infringement is linked to political activities by a political party (https://privacyinternational.org/news-analysis/2824/european-parliament-elections-protecting-our-data-protect-us-against). As noted by the European Commission, "it should be possible to impose sanctions on political parties or political foundations that take advantage of infringements of data protection rules with a view to deliberately influencing the outcome of elections to the European Parliament."</p> <p>For that purpose, a procedure at the European level has been introduced to ensure the sanctioning of actions that not only breach people's privacy but that "could also potentially influence the outcome of elections to the European Parliament". The proposal allows for the sanctions to be imposed by the Authority for European Political Parties and European Political Foundations. They could amount to 5% of the annual budget of the European party or foundation concerned. In addition, the European party or foundation subject to a sanction would not be able to receive funding from the EU budget the following year. PI recommends the APPG consider mechanisms to ensure stronger cooperation among regulatory authorities in this field as well as engagement with other regulators and legislatures looking at similar issues around the world.</p>
Response C	We have combined with response in relation to Transparency (above).
Response D	Our proposals are incorporated into our previous answer addressing the top issues.
Response E	Our proposals are incorporated into our previous answer addressing the top issues.

Response F	Our proposals are incorporated into our previous answer addressing the top issues.
Response G	<p>If we look at this issue from a data protection perspective, we can see that a lack of or weak enforcement also creates a culture of non-compliance. The previous maximum fine of £500,000 under the Data Protection Act 1998 did not appear to act as a significant deterrent, as many of the practices which we see today would have fallen short of the DPA 1998's requirements. For this reason, Data Protection Authorities were further empowered under GDPR to fine up to, the greater of €20million or 4% of global annual turnover. The Electoral Commission could no doubt benefit from being similarly empowered. However, monetary penalties should not be the only sanction and consideration should be given of what type of behaviour can be prohibited as part of a sanction.</p>
Response H	<p>Privacy International supports the proposal to include additional requirements related to expenditures for online campaigning. Political parties and other actors are increasingly using social media platforms and other digital communications means both for targeting potential individual donors (particularly for small donations) and for spending on political advertising.</p> <p>Campaign financing is notoriously difficult to monitor. Even more, recent and ongoing investigations have shown how the traditional rules of campaign financing fail to regulate and shed a light on these new forms of online fundraising and expenditures. In its 2018 report on online manipulation and personal data, the European Data Protection Supervisor noted that “the reported spending on campaign materials may not provide sufficient details about spending on digital advertising and associated services, e.g. targeted ads on social media, analytics services, creation of voter databases, engagement with data brokers.”</p> <p>(https://edps.europa.eu/sites/edp/files/publication/18-03-19_online_manipulation_en.pdf) In this regard we note that the Electoral Commission has also called for changes in the laws to increase transparency for voters in digital campaigning, including on spend (https://www.electoralcommission.org.uk/__data/assets/pdf_file/0010/244594/Digital-campaigning-improving-transparency-for-voters.pdf).</p> <p>Privacy International recommends that campaign finance law require timely online reporting on spending on online campaigning and on the funding obtained online. The information should be sufficiently granular and detailed to promote transparency and accountability. This should include provisions to require political parties and other political actors to make publicly available (e.g. as a minimum, prominently on their websites) information on their expenditure for online activities, including paid online political advertisements and communications. This should include information regarding which third parties, if any, have assisted the political actors with their online activities, including the amount spent on each third parties' services.</p> <p>To ensure effective monitoring the disclosure of campaign expenditure should be broken down into meaningful categories such as amount spent on types of content on each social media platform, information about the campaign's intended target audience on platforms, as well as actual reached audience. Additionally, the law should require the disclosure of information on groups that support political campaigns, yet are not officially associated with the campaign, and disclosure of campaign expenditure for online activities, including paid online political advertisements and communications.</p>
Response I	

Response J	<p>One of the current key campaigning safeguards is to ensure that political parties and other contestants have equal and fair access to traditional media and that reporting by publicly owned media is fair and not partisan. The rationale for these obligations (of impartiality, fairness, balance, and equality during elections) is the ‘scarcity assumption’, i.e. the fact that opportunities to access traditional media are limited. This ‘scarcity’, it is assumed, would not apply to online media, given the facility and variety of sources of opinions and access to them. However, this assumption does not take into consideration the market concentration in the digital communications field and the way information is distributed and shared by digital platforms (notably search engines and social media platforms, including messaging apps).</p> <p>A few giant tech companies act as gatekeepers of the digital content which most individuals access online. As noted by the European Data Protection Supervisor, “data analytics could help individuals navigate through the increasingly noisy information environment” but “in effect, the forum for public discourse and the available space for freedom of speech is now bounded by the profit motives of powerful private companies”.</p> <p>(https://edps.europa.eu/sites/edp/files/publication/18-03-19_online_manipulation_en.pdf)</p> <p>In particular, search engines and social media platforms filter the news and opinions users access based on profiling. This goes beyond paid-for targeted advertisements and promotion of content to the way all content is displayed and recommended (for example, the personalisation of Google search results (https://www.google.com/search/howsearchworks/algorithms/); Facebook’s newsfeed (https://www.facebook.com/help/1155510281178725) or YouTube’s recommendations (https://www.nytimes.com/2018/03/10/opinion/sunday/youtube-politics-radical.html).</p> <p>These data targeting techniques expose individuals only to selected political messages and political information, directly challenging the assumption that a wide spectrum of opinions and content in the online media is easily available to anyone. Effects like filter bubbles, etc. are direct consequences of such targeting and have significant effects on the formation of political opinions and ultimately on elections.</p> <p>Privacy International acknowledges that regulating the online space is complex and fraught with risks (including of unduly limiting freedom of expression and of access to information) For these reasons, Privacy International advocates for caution. However, there are some measures, based on existing obligations under data protection law, that require urgent enforcement and would provide some protection. At the very minimum, internet and social media platforms must be transparent about their profiling activities, including for the personalisation of what people see. The use of personal data for profiling must also comply with data protection standards.</p> <p>Additionally, Privacy International supports the adoption of measures aimed at enhancing transparency in this field (as noted in the previous answer.) Given the difficulties in defining what constitutes political advertising and the many actors involved, effective ads transparency must go beyond just political ads or scrutiny limited to one particular platform. Solutions must enable meaningful transparency for users as well as enable effective scrutiny by researchers and civil society. The APPG should consider how these challenges might be surmounted, for example with an online repository of all digital ads.</p>
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Response K	<p>Privacy International has recently published a few briefings related to data and elections which may be of interest to the APPG, including:</p> <ul style="list-style-type: none"> • Data Exploitation and Democratic Societies: https://privacyinternational.org/long-read/2850/data-exploitation-and-democratic-societies • Technology, data and elections: A 'checklist' on the election cycle, June 2019: https://privacyinternational.org/advocacy/3093/technology-data-and-elections-checklist-election-cycle • European Parliament elections – protecting our data to protect us against manipulation https://privacyinternational.org/news-analysis/2824/european-parliament-elections-protecting-our-data-protect-us-against • Privacy International's Response to the Open Consultation on the Online Harms White Paper: https://privacyinternational.org/sites/default/files/2019-07/Online%20Harms%20Response%20-%20Privacy%20International_0.pdf • When your data becomes political, video: https://privacyinternational.org/video/2937/video-your-vote-sale-political-advertisers-think-so • Privacy International's Response to the ICO's Call for Views on a Code of Practice for the use of personal information in political campaigns : https://www.privacyinternational.org/advocacy/2838/pi-response-ico-call-views-code-practice-use-personal-information-political-campaigns
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44. Mr Neil Maybin, Individual

Response A	Currently, targeted campaigning and advertising is opaque, subverting debate before the vote by depriving candidates the right of reply. Currently, voters do not find out about the funding of campaigns until after the vote. This information should be an important factor for voters when they make their choice.
Response B	Current levels of deterrence, where the very worst penalty is a six figure fine, are woefully insufficient to deter electoral malpractice. Indeed they could reasonably be regarded as simply the cost of doing business.
Response C	Current monitoring focusses on publishing information about finances after the vote, when it is too late to be used in establishing the credibility of candidates. Current monitoring of the sources of financial donations is insufficiently robust to ensure fair elections.
Response D	Ensure that all election advertising is published for all to see as it is published: so for example targeted advertising must be publicly disclosed together with the basis on which it is targeted. To be effective these disclosures must be at the time the advertising is presented, because they must be part of the public debate informing the vote. Alternatively, ban all targeted advertising as it opens up scope for dishonestly and making different incompatible promises to different voters. The original source of all donations over a certain amount (for example, £10,000) must be disclosed at the time they are made, otherwise they must be deemed inadmissible and unlawful. There is no point leaving this until after the vote. These donations should be part of the public debate informing the vote.
Response E	There must be custodial sentences for serious electoral crimes. Anything less can be regarded as being merely the cost of doing business. The £300,000 or so of fines imposed on the Leave campaigns in the 2016 referendum illustrate the ineffectiveness of even substantial financial penalties. Another way of looking at this is to think about the impact of electoral crime. If a gang stole £30 million or a white collar worker stole £300 million they would be (rightly) given long prison sentences. Yet if a group intentionally subverted our democracy costing us, for example, £300 billion, the worst they could currently expect is a six figure fine. This has to change.
Response F	Monitoring should be focussed on sourcing of funding and on advertising. I've covered these under Transparency and Deterrence above. I would re-emphasise here that to be effective, disclosures of both funding and on advertising must be made at the time of the campaign and not after the vote.
Response G	Electoral Commission should have far more resources including specialised police officers. Introducing unlimited fines would be welcome but still a long way from what is needed. Only custodial sentences, determined by the tariff for all other forms of fraud at this scale, can deter large scale intentional electoral fraud.
Response H	I support this, but it should go further in that all candidates should be required to report any spending as it is incurred, and in any case within 24 hours. This information is essential to enable people to decide which way to vote.

Response I	In an ideal world this would not be necessary, but given the difficulty of enforcing this I agree that it would be better for these financial transfers to end.
Response J	I support this, but it should go further in that all candidates should be required to report any advertising as it is published, and in any case within 24 hours. This information is essential to enable people to decide which way to vote.
Response K	I think your work is absolutely essential. The UK's democratic structures are showing their age, and in the last three years they have in some respects failed. Ensuring that our elections are fair and transparent is one of several important ways in which we can rebuild our country and its reputation.

45. MS ANNA THEW, FLUX/Exile Films

Response A	There should be regulation to enable disclosure FOI to take down fraudulent misrepresentation
Response B	Revision of the Fraud Act 2006 and Misrepresentation Act 1967 to cover electoral law so there is no dividing line between criminal fraud to gain or cause a loss, and electoral fraud. The limitation periods for electoral offences must be scrapped.
Response C	Education is necessary to enable monitoring - I go into this in the attached paper

Response D

REPRESENTATION – FAIR VOTE

Background

I am a linguist and performer, turned artist and film-maker. I live in London and work free-lance. As I distribute in France and Germany and trade in Europe I am directly affected by the drop in value of sterling since 2016. I and my family are also deeply affected emotionally and psychologically. My daughter lives and works in Barcelona. One niece is married to a French man and works in France. Another niece is married to a chef from Alsace whose parents also live in the UK. Over 50% of my closest friends and colleagues resident and paying taxes in the UK from 10 to 40 years are from outside the UK, EU and otherwise.

We live in circumstances of fear and insecurity for the future. We see imported food particularly fresh fruit and vegetables rising in price. As my husband is a long term sufferer from lymphoma and has a compromised immune system we are all too aware of the longer waiting lists, the terrible understaffing in the hospitals and A&E understaffed and in panic.

People are undoubtedly dying as a result of the terrifying losses of staff since the referendum.

Therefore three things concerned me about the way in which the referendum was fought unscrupulously by Vote Leave and other Leave groups and prominent public figures such as Boris Johnson, Michael Gove, MPs and Nigel Farage MEP. Firstly, the blatant lies that were perpetrated on the bus and otherwise fraudulently promising that we would be better off by £350 million a week and that we should rather save our NHS. I was not fooled by this deceit. However I am from the North East, born in Sheffield and teens in a small farming village near Doncaster and the farmers opposite who are like extended family, were mislead, if not brainwashed by the press and politicians that there was an immigration problem. Irrational fear and insecurity was instilled in them to an extent that was difficult to believe. Only that I saw a terrible film on the television about NHS waiting lists because of the influx of immigrants and found it even more difficult to believe how such fraudulently staged campaign advertising could be allowed. So firstly, there ARE laws that are designed to prevent fraudulent promises in advertising on television. How is it that campaign advertising is not covered by the same law. If it is not, the law on trading standards MUST be extended to CAMPAIGN advertising. It is called Electoral Campaign MARKETING. They are SELLING Boris Johnson. They are SELLING Donald Trump. They are SELLING Erdogan and Salvini and LePen and Orban. They are selling the lies for GAIN of position and control over the state PURSE, therefore the same regulations MUST apply. If a statement in a newspaper, on a billboard, a bus, a tv programme or a campaign pamphlet, there must be a government body such as trading standards, campaign marketing standards that is empowered to take the advertising down.

And there need to be stringent measures to prevent what is more than white lies; for what is DECEIT, that is criminal fraud and corruption. It should not have to be for a wealthy individual, or a crowd funded individual with no means, to PAY to seek justice in the civil, or magistrates courts. It was known that the bus message was utterly false. Then how could it just be allowed to continue and the person held to account only the nominal UK registered director of the limited company, the FIRM, responsible and not the individual, who spread the deception.

Secondly incitement to ANY form of hatred, or hostility, against individual, state or creed, however clever and subtly achieved, should be banned, whether against Turks, Muslims, Jews, Christians, Anna Soubry, Jeremy Corbyn, or Germans. There is a law to ban this. Why is this not being applied to the Daily Mail, the Sun, Sky News. the BBC and whichever channel for instance, transmitted the threat to the UKIP/EU Leave instigated NHS fiction film? Then we come to finance. And it is very very obvious to an artist and film-maker that Vote Leave and EU Leave were ploughing phenomenal sums into expert campaign advertising techniques. You know this from the graphics, the size and design of the font. The Conservatives did not employ Saatchi and Saatchi for nothing. They are better at it than the local campaign group who mix up the colours and the messages and make a mess.

Stronger for Europe design is a case in point. So I know that the side with the eye catching colours is slicker and is spending on the most clued strategists.

I am a film-maker and have for the last 5 years been fighting a legal battle to have my analogue, celluloid film negative and master materials digitally restored to an archival standard to be able to return to superior cinema projection prints.

In or around 2011-2013 over 10 years; over 10 hours of my master materials were destroyed in the digital take over of London's last laboratory, Soho Images, by Deluxe 142 Ltd, UK registered subsidiary of US global media giant Deluxe inc., owned by Mr Pearlman, one of the 15 richest men in the States.

So I have learned a thing or two about the brutal methods of take over by US digital giants, which is GLOBAL, and of which I and my invaluable assets are a minuscule part, which is beyond all understanding and reason and escapes justice.

The strategy is to destroy the very tools, the very means with which film are made for theatrical release and potential global communications and effectively eliminate it, carve it up, eliminate the competition - even though technically and audio-visually analogue is better.

If you can control media, entertainment and communications; if you can control marketing and advertising (publicity is the nice word) you control what people hear, what people see, what people learn. You control everything. You can therefore market anything however inferior in quality, bad, ugly, or evil. And the algorithms that you can buy: the mathematical minds and scientific and creative brains to devise the algorithms, are in your control, as you have the investment and the money to devise, conceive of and CONCEAL your methodology.

And the algorithms, a kind of sci-fi Orwellian, Big Brother, have no morals, no ethics and no humanity. There is no possibility of a saviour, a St Francis of Assisi, or a Buddha realising that being wealthy and powerful when others have nothing, can be morally wrong and who's humanity side overcomes the satanic side and of his own volition gives away all his earthly possession and lives in harmony with nature.

So with data – you are dealing with the intangible, the invisible.

To produce data from analogue - film- or the written word, scientific information, or creative image information is time consuming and costly. The machines, satellites, computers, technology, software and cables under the ocean necessary are expensive and the software is upgraded every 2 to 3 years, for domestic and general business dependency and control, if not every month at the high financial market end. And all of us are held to ransom by this technology and inbuilt obsolescence, or upgrading phenomena, where the synapses of the collective of the finest human brains (but not

necessarily the most caring and sensitive) can be replicated and made dispensable. If you replicate and control this, like the mythical destructive fireball in the Mahabharata, you can control the world. To control it you must have the power to destroy it. This male psycho-sexual power phenomenon of being first, being bigger and stronger, and more fearful than the rest.

What are actually psychoses – arms, armies, men behaving badly en masse.

So how do you obtain justice and parity? When your very means of communication and as a communicator, which an artist and film-maker or writer is, your means of existence, your very function and role in society, are taken over, disrupted, destroyed? The first thing you learn is the cost of replacing assets and that it is all and only to do with marketing and making money and keeping the money – keeping your opponent, the consumer, destroyed. Your principle tool is DECEIT and CONCEALMENT.

So you lie about the technology and you lie about the cost and you do this in the contract that you set up to purportedly resolve the issue “equitably” before the courts, to avoid the courts.

And you rely upon having more knowledge and information about the way in which digital media and communications, data, works. You rely on the LACK of understanding and education/learning of your opponent.

This point is made in Dovshenko’s film ARSENAL, the literate elite control the illiterate masses and gun fodder.

So point (1) is to know the cost of producing the data, the goods and the services to produce the data, the time and advanced technology and computer scientists to produce a digital copy.

The invisible data costs in the region of £80,000 for 10 hours of files, that is £8,000 per hour, this is to commercially replicate every image, some 4,000 files every 3 minutes.

Point (2) is to know how very little, if nothing it costs to transfer the very expensive terabytes and terabytes of data from one computer to the next, by Soho Hub Net i.e. or Mega NZ, nothing for 50 gigs, to invite chains or recipients, once the data is complete for delivery.

Therein lies your problem of competing with the giant and of obtaining justice, fairness, parity,

As your recipients are your “clients” (as students in receipt of education are now considered). even if they did not directly commission the services on paper, or by email with a data accessible trail of accounting – the recipient/clients/ beneficiaries’ anonymity is protected.

So you cannot know WHO ordered, or commissioned AIQ, or CA Election Campaign Marketing Services, internally, by word of mouth, on the telephone and you cannot know how many recipient destinations were ordered by the chief commissioner to be delivered of the goods; the invaluable data.

So Steve Bannon or Robert Mercer could be the commissioners and commanders internal to Cambridge Analytica, as Boris Johnson and Michael Gove well have been operative executors within Vote Leave, as they are now in Government. They might have struck the deal in a bar or on the telephone, or in an email, subsequently deleted, say like Trump, or how many strings of commissioners and purchasers lie in the chain.

So CA say they have deleted their harvested data (and their campaign strategy advice/invaluable information/data) and this may well be true, but BEFORE they deleted the data, you can be assured that the TRANSFER to at least 10 key

client/beneficiaries/players; Bannon, Mercer, Trump, Banks, Farage, Cummings, Johnson, Grimes, AIQ, DUP, NI Vote Leave (letter of Steve Baker advocating that members of the LEAVE family share information – that is employ a unified strategy and attack). These players in turn transmit the invaluable data – now in a couple of PDF attachments – the information/advice; the results of the very very costly marketing research, purchased from Kogan and analysed by CA and fine tuned by AIQ; what text, what slogans, what colours, what signs, what images and the addresses and locations of those to be persuaded, or rather deceived and defrauded of their democratic voice, their democratic power, their equal voice, their people's voices, their part in society. Note Bannon styles his voice and delivery on Orson Welles.

The first thing to learn is that sounds and images have persuasive function and allure, like the snakes in Jungle Book "Go to sleep, close your eyes..." hypnosis, charm. This knowledge and skill is thousands and thousands of years old, millennia. So what are the means of deceit, the articles of Fraud and where are the loopholes in the laws in place to stop the crimes that are already defined as theft by deceit.

(1) the cost of the services, the loophole for expenditure and declaration has to be changed. Expenditure/commissions ADVANCE PAYMENTS and RECEIPTS/INCOME like the Mayor of Birmingham, or Arron Banks £8 – 12 million – to buy power and services in preparation.

(2) NO WIN NO FEE payments and receipts of CA, AIQ, POST the event.

Leave EU and potentially, in reality almost definitely Vote Leave will have operated advance payments, investments in the Brexit project as CA openly advertised its operation of no win, no fee arrangements with African states, say like the setting up of the Brexit Party with Farage's supposedly private personal assets, or no win, no fee transfers after the 1 year limitation mark for electoral fraud cases to be brought.\ Therefore it was safe for FB and Twitter to make disclosures in 2018 over 1 year AFTER the limitation period for electoral fraud. So the time limits for electoral fraud have to either be abolished in their entirety with the understanding that investment in winning, by paying for expensive media and communications marketing services in advance, or post can be regulated. (They're not only marketing people's personal data as the "persuadables"/the targets – but the age old methods/techniques of deceit, charm*) the techniques of persuasion, the trained mellifluous voice of the orator, the colour and identity of the uniform, etc. the hairdo, the music, the bribes, the temptations.

*that is the valuable results of the psyops data marketing research services!; the purpose of the algorithms and all those clever mathematicians + computer scientists and teams of creative artists employed at mega investment expense.

So 1 you should not be able to form a limited company with the 2 noman! UK registered directors for the purpose of charity commission registration to enable the operation + receipt of donations in money AND IN KIND. You only need to look at the variations in the Deluxe Inc., UK subsidiary limited company names since first set up in the 1970's, after the first vote to be in the EU, that mopped up every last film laboratory in the UK, or the alteration of Banks' EU Leave or Leave/EU Ltd to EU Leave Group Ltd, Leave Means Leave etc., etc., and so on along with the re-naming of files and itemised income and expenditure, as deceit and malfeasance is in every possible money laundering loophole, effected by our SLACK SLACK limited company registration and re-registration regulations that hardly regulate anything. You can even declare yourself

bankrupt, change all the files and asset names and transfer them at the click of a button to your new firm.

So that you cannot possibly know how much one party, or commercial company, or the private individual that is the director, or on the executive of that firm is spending and who is the master commissioner, if not master commissioners/government corruption, money and motive laundering.

So ANY payment in advance, or post (no win no fee) has to be regulated and prevented.

There can be no buying of, or investment in the acquisition of power in government, or in government influencing charities and organisations, such as the IEA, or the ERG, and the DIVIDING LINE BETWEEN ELECTORAL FRAUD AND CORRUPTION OF GOVERNMENT BY INFILTRATION AND PURCHASE OF POWER AND INFLUENCE had to be eradicated.

There needs to be a revision of the Fraud Act 2006 and the Misrepresentation Act 1967 to cover precisely what is at stake here and that is the infiltration, corruption of government and the disruption of parliamentary democracy, as the disruption of democracy, is the disruption of a functioning fabric of society and the public good - social – society – socialism – democracy. Democracy cannot by its very nature and foundation be anything but a form of socialism, a form of the collective responsibility, as opposed to the feudalism of hierarchy.

Democratic society, the operation of common, collective principles – justice and the public good, where all people are equal before the law and all wealth is shared and we are one happy extended family. So those motivated to overturn the principles of socialism and the collective, the public good are motivated to overturn and subvert democracy.

So we can no longer have the 1 year limitation and the 6 weeks in advance limitation, or the the dividing line between electoral fraud limitation periods and straight criminal and corruption fraud periods, which runs from the point of discovery. So it should have been possible to hold Vote Leave, the DUP and BeLeave to account for the covert online ads, upon the point of FB disclosure in July 2018, interestingly just after the Electoral Commission announcement of criminal levels of intent to overspend.

The limitation period has to go. Electoral fraud and corruption of government have to be linked to criminal fraud for pecuniary gain and/or to cause others (the people, the state) a loss, which is in effect what we have here, yet the police are doing nothing.

The chain of limited companies and the ease of registration on line, has to be stopped and better regulated as it is easy for foreign investors in a ploy, such as Brexit to find the min 2 UK resident registered directors, see Cuadrilla and Deluxe 142, 2 UK registered directors, CEO and other directors registered in the US and/or Australia. Possibly an election campaign has to have more than commercial market regulation, in order that self bankruptcy and just CA Alexander Nix setting up elsewhere has to be regulated and prevented.

The RENAMING of companies and the RENAMING of files containing the data or data very minimally altered, so that the contents are actually the same, but configured differently prior to transfer, re-naming as – no idea HOW this can be regulated, perhaps by metadata within the original file creation????

CONTENT

We have laws to restrict content and we are not using them. Firstly the electoral

	<p>commission should have powers to regulate and prevent fraudulent misrepresentation, misrepresentation which has the potential not only to make gains for Mr Farage and Mr Mercer and Mr Murdoch and Vote Leave, the Brexit ploy financiers and hedge funders, but HAS THE POTENTIAL TO CAUSE AND HAS CAUSED OTHERS A FINANCIAL LOSS, OR A LOSS OF LIBERTY AND HUMAN RIGHTS, as has happened in this instance to literally millions of people across the UK and the EU, of whatever nationality HATE publications have to be stopped, newspapers vilifying and rabble raising against MPs and Judges, or individuals like Gina Miller, surely has to be stopped.</p> <p>It is against the law to instil, or whip up hatred of ANYONE or any group, Anna Soubry, Jeremy Corbyn, Muslims, Jews, Christians, or Germans</p> <p>The ad with the swastikas and brown coloured Europe and the Turks/Muslim implied invasion should be able to be taken down, like any hate inciting ad or slogan by the British League. IMAGES and SIGNS need to be subjected to scrutiny and analysis of meaning. Pier Paolo Pasolini advocated that with film, a medium that was barely 60 years old at the time of his writing the essays and articles in Heretical Empiricism, there needed to be a dictionary of image signs that convey meaning equally to communication in language.</p> <p>As with false advertising and promotion that a product, goods or services have properties that they do not have, the ad on the red bus, for example, should have been able to be taken down. It is a criminal offence to deceive either for pecuniary gain, power of position, or to intentionally cause another or others (people), your opponents (EU citizens), in this instance, a loss.</p> <p>Boris Johnson's advertising campaign for PM should have been able to be regulated as so many of the claims are so extreme as to be criminal in intent, to steal power and position and control.</p> <p>So primarily we also need to EDUCATE the public, lawyers, politicians/the law makers about 1 how to stop the legal loopholes on expenditure and transfer of DATA DONATIONS IN KIND and DATA PROLIFERATION – on how to identify what is an Article of Fraud, a false misrepresentation made wilfully – and that those misrepresentations and connivances of persuasion and deceit are not only the word, but the sign and the image, the signifiers/the false allure – the hypnosis – the charm – the tools of brain washing – DECEPTION.</p> <p>Stealing and abusing people's data on facebook is in my view, as a creative artist, film-maker and technician, only the half of it. We need to be educated to read and understand the power of image communication down to the colour of the background and the size of the font.</p> <p>Stephen Fry has put out an interesting analysis of the Vote Leave, BeLeave, DUP AIQ devised and generated ads on Facebook. This image/sign literacy has to be increased in the same way that facebook are a step ahead in trying to analyse body language and gesture in sinister film content posted on line.</p> <p>Anna Thew</p>
Response E	As above
Response F	As above
Response G	<p>If overspend is found, there should be an automatic reduction by the same percentage in the votes gained. If a regulation were passed this would act as an effective deterrent. However the Electoral Commission should be independent, there are grave issues with</p>

	the involvement for instance of some appointees who were also implicated in the Conservative Party Campaign fraud in 2015, so there should be member of other EU member states perhaps, to ensure that our elections are free and fair. Also there should be greater capacity to scrutinise DECEIT and FALSE MISREPRESENTATION by EXECUTIVE MEMBERS of campaigns.
Response H	
Response I	THIS IS CLEARLY RIDICULOUS IN THE EU REFERENDUM THERE WERE ONLY 2 PARTIES, THE ELECTORAL COMMISSION SHOULD HAVE CLEARER GUIDELINES AND KNOW THAT THERE WERE ONLY TWO SIDES, TWO PARTS and therefore total expenditure by individuals and differently named groups. As the individual donation by PAYPAL and as proven in the US, was encouraged or organised systematically by Cambridge Analytica, It is DUMB seeing that this is an electoral money laundering loophole not to close it.
Response J	WE SHOULD BE ABLE TO KNOW OF ALL ADS TO SCRUTINISE AND TAKE DOWN OFFENSIVE COMMENT - I.E. THE SWASKTIKA ADS put up and only disclosed by FB in JULY 2018!!!! Targetting of deprived elderly people with weak intelligence poor areas should be actually FORBIDDEN.
Response K	

46. Prof Vian Bakir, Network for Media & Persuasive Communication, Bangor University

Response A	On what sort of digital campaign was run. Who was targeted, and was the campaign both civil and informative?
Response B	Make each campaign group publicly reflect on the above in each election or referendum (a self-evaluation)
Response C	Make independent experts, stakeholders and citizens reflect on the above in each election or referendum. Ensure there is a repository for each campaign group's self-evaluation, plus media coverage of this. Ensure that there is a kite-mark system to brand the veracity and civility of the campaigning. Through these measures, we can work towards culture change both among campaigners, and among citizens' expectations of campaigners.
Response D	Campaigners should be legally required to complete a publicly archived self-evaluation shortly after each campaign. This should: Summarise which audiences were targeted, and with what success; Reflect upon which aspects of the campaign most succeeded in mobilising voters (e.g. specific adverts, messages, themes, memes); Reflect upon whether the campaign gave voters enough information with which to make an informed choice on which to base their electoral decision (i.e. was information true, complete, undistorted and relevant?); Reflect upon to what extent the campaign was civil.
Response E	We further recommend that this self-reporting be incentivised via: An independent panel (of diverse stakeholders, including fact-checkers, academics, and campaigners from opposing sides) to verify, and critically comment upon, the self-evaluations; A kite-mark system to brand the veracity and civility of the campaigning; Ensuring that this is covered by the media, post-election, and that the analysis is available online in a public archive.
Response F	This would occur for every election and referendum. The public archive would be maintained going forward, forming a growing educational resource for all citizens. Media coverage of the self-evaluations, and the independent panel's response would ensure wider dissemination.
Response G	Agree, based on evidence from various UK Inquiries
Response H	Yes. Very important.
Response I	Good idea, given that groups do secretly coordinate their work.
Response J	Good idea. The repository should also include self-evaluations as we outline in our submission.
Response K	We have written a brief report on this matter (titled CULTURE CHANGE: Incentivise political campaigners to run civil and informative election campaigns). It is online at: https://drive.google.com/file/d/1S0Y2DpIPEKaQVklkOZB_MtWrVweZB7E0/view

CULTURE CHANGE

Incentivise political campaigners to run civil and informative election campaigns

Written submission to APPG on Electoral Campaigning Transparency, 2 August 2019

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1. Overview

1.1 The Problem

Research from academia, investigative journalism and regulatory and political inquiries finds:

- Extensive use of deception and emotion in campaigning for the 2016 'Brexit' referendum.
- Techniques for targeting citizens with emotive and deceptive information have intensified in terms of granularity of targeting; and remain hidden from the view of the wider community or nation.
- False messages prompt reactions of fear, disgust and surprise, and have a propensity towards recirculation online.

1.2 Solutions

Various Inquiries in the UK post-Brexit agree that people need to be aware of attempts to manipulate them. Solutions put forward to safeguard elections (and that the UK government agreed to take forward in May 2019) centre on ensuring that online election material, via imprints, clearly shows who has produced it – thus helping the electorate evaluate and to come to their own conclusions about the online messages that they may receive; new laws to bar people from running for office if found guilty of intimidating or abusive behaviour; and launching a consultation on electoral integrity in order to protect UK politics from foreign influence. Other steps announced include improving citizens' digital literacy in the area of disinformation. *While these are important steps, what is just as important, but largely unaddressed, is a culture change amongst political campaigners towards running civil and informative election campaigns, and a reinforcement of citizens' expectations that civil and informative election campaigns are what they will be exposed to. To that end, we make the following Recommendations.*

1.3 Recommendations

- 1.3.1 That there be incentives for digital political campaigners to act ethically, and for their behaviour to be critically and regularly reflected upon by society.
- 1.3.2 Specifically, we recommend the institution of publicly available self-evaluations by all political campaign groups post-elections to: Summarise which audiences were targeted, and with what success; Reflect upon which aspects of the campaign most succeeded in mobilising voters (e.g. specific adverts, messages, themes, memes); Reflect upon whether the campaign gave voters enough information with which to make an informed choice on which to base their electoral decision (i.e. was information true, complete, undistorted and relevant?); Reflect upon to what extent the campaign was civil.
- 1.3.3 We further recommend that this self-reporting be incentivised via: An independent panel (of diverse stakeholders, including fact-checkers, academics, and campaigners from opposing sides) to verify, and critically comment upon, the self-evaluations; A kite-mark system to brand the veracity and civility of the campaigning; Ensuring that this is covered by the media, post-election, and that the analysis is available online in a public archive.

2. The Problem, Unpacked

2.1 Extensive use of deception and emotion in campaigning for 2016 'Brexit' referendum

Emotive, deceptive, targeted communications have long existed. On *emotive* communication, as far back as the era of classical Greek Democracy (5th century BC), Aristotle recognised the importance of affect in persuasive communications. Writing in the 21st century, influential psychologist Westen argues that issues that arouse emotions have the biggest impact on voting and voter mobilisation: such issues tend to be contentious issues.¹ On *deception*, multiple studies document the rise of *deception* in campaigns, thereby depriving people of the information that they need to make an informed decision.² On *targeting* of audiences, since the mid-1990s digital marketing techniques have been used in political campaigning to supplement the traditional focus on demographic market segmentation, by combining public voter files with commercial information from data brokers, in order to analyse, profile and target voters according to their characteristics and online preferences.³ This includes exploiting and targeting powerful appeals to emotional, base or gut instincts among the electorate.⁴

Such use of emotive, deceptive information was evident in the Brexit referendum. This submission focuses on the Leave campaigns, because they have attracted the most regulatory scrutiny. 'Vote Leave' was the official campaign to leave the EU, led by then Conservative Members of Parliament (MPs), Boris Johnson and Michael Gove. Also of note are unofficial campaigns (including the Leave.EU group founded by Arron Banks and Richard Tice; and youth-oriented campaign group BeLeave fronted by Darren Grimes).

On his blog, Vote Leave's campaign strategist, Dominic Cummings, proclaimed the potency of Leave's message on: '350m / NHS / Turkey'.⁵ Respectively, these messages were that: the UK was spending £350 million a week on the EU, which it could spend on the National Health Service (NHS) if it left the EU; and that Turkey, Macedonia, Montenegro, Serbia and Albania were about to join the EU, and that immigration could not be reduced unless the UK left the EU. These were the messages in Facebook adverts seen by the most people.

For instance, three identical Facebook adverts which were seen by between two and five million people urged voters to 'spend our money on our priorities like the NHS', citing the £350m figure. The text read: 'The UK sends over £350 million to the EU each week - that's enough to build a fully-staffed, brand new hospital every 7 days! Shouldn't we spend it on OUR PRIORITIES and NOT THEIRS? Take action and vote to leave the European Union on 23 June. Let's spend our money on our priorities. Act Now & Vote Leave! Vote Leave'.⁶

¹ Westen, D. (2008) *The political brain: The role of emotion in deciding the fate of the nation*. New York: PublicAffairs, p.173.

² Perloff, R.M. (2018). *The dynamics of political communication: media and politics in a digital age*. New York and London: Routledge, pp. 410-413. Bakir, V., Herring, E., Miller, D. and Robinson, P. (2018). Lying and Deception in Politics. In: J. Meibauer (ed.), *The Oxford handbook of politics and lying*. Oxford: Oxford University Press.

³ Chester, J. & Montgomery, K. (2017) The role of digital marketing in political campaigns. *Internet Policy Review*, 6(4). DOI: 10.14763/2017.4.773 <https://policyreview.info/articles/analysis/role-digital-marketing-political-campaigns>

⁴ Jamieson, K. H. (1996) *Packaging the presidency: A history and criticism of presidential campaign advertising*. New York: Oxford University Press.

⁵ Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign. <https://dominiccumings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/> p.12.

⁶ Griffin, A. (2018) Brexit Adverts used by Leave Campaign Revealed by Facebook. *The Independent*, 26 July. <https://www.independent.co.uk/life-style/gadgets-and-tech/news/brexit-facebook-ads-leave-campaign-nhs-immigration-boris-johnson-a8465516.html>

Another five of the nine Vote Leave adverts which were viewed millions of times focused on immigration.⁷ Of those, two identical adverts stressed plans for Turkey to join the EU with an image showing a large red arrow sweeping across Europe from Turkey to the UK. The accompanying text reads: 'The EU is expanding and plans on granting Turkey visa-free travel. This will put enormous pressure on the NHS, our border security and economy. Have we lost control? We already send £350 million to the EU every single week. Shouldn't we spend our money on our priorities instead? Vote Leave Day - Thursday 23 June. Is This Good News? Click No! Vote Leave'. Another ad presents a large red arrow sweeping across Europe from Turkey to the UK, accompanied by the text: 'TURKEY HAS A POPULATION OF 76 MILLION. TURKEY IS JOINING THE EU. GOOD IDEA??? Yes/No' Beneath this is a red 'yes' button and a blue 'no' button. More than 30 other Vote Leave adverts, some viewed by between 500,000 and a million people, mentioned Turkey in the context of its border with Syria and Iraq. Again, the images showed red arrows and figures pointing towards the UK. 'The EU is expanding and plans on granting Turkey visa-free travel making our new border Syria and Iraq!' read the accompanying text.⁸ Other ads raised the spectre of Serbia, Montenegro, Albania, and Macedonia (as well as Turkey) joining the EU.⁹

Such messages are clearly highly **emotive**, invoking fear of hordes of immigrants swamping much-cherished, but strained national resources such as the National Health Service. Certainly, immigration was a key issue for Brexit voters. Pre-referendum research into the psychology of the EU membership referendum vote amongst the British public found that: the most important argument of the Brexit camp is largely perceived to be the fight against immigration.¹⁰ The study also found that in most cases, supporters of a Remain and Leave vote alike were actually in favour of existing ties with Europe, especially with old EU Member States and, to a lesser extent, Greece and Poland. The difference between Remain and Leave camps solely seemed to pertain to a few current and possible future candidates such as Romania and Ukraine (in both cases, a majority were against membership of the same Union). This finding explains the Leave campaigns' focus on fears of immigration from Turkey, Serbia, Montenegro, Albania, and Macedonia.

Furthermore, Vote Leave's director, Cummings made a show during the campaign of refusing to work with Arron Banks (of the Leave.EU group – one of the unofficial Leave campaigns) while admitting his campaign relied on their harsh anti-immigration messages.¹¹ In providing oral evidence to the UK's Fake News and Disinformation Inquiry, Banks highlights the methods with which he campaigned during the Referendum:

'How does social media get traction? That is what you have to consider. You are saying, "How did the message get out to all these people?" It must have been data. My experience of social media is it is a firestorm that, just like a brush fire, it blows over the thing. Our skill was creating bush fires and then putting a big fan on and making the fan blow.'¹²

⁷ Griffin, A. (2018) Brexit Adverts used by Leave Campaign Revealed by Facebook. *The Independent*, 26 July. <https://www.independent.co.uk/life-style/gadgets-and-tech/news/brexit-facebook-ads-leave-campaign-nhs-immigration-boris-johnson-a8465516.html>

⁸ Griffin, A. (2018) Brexit Adverts used by Leave Campaign Revealed by Facebook. *The Independent*, 26 July. <https://www.independent.co.uk/life-style/gadgets-and-tech/news/brexit-facebook-ads-leave-campaign-nhs-immigration-boris-johnson-a8465516.html>

⁹ BBC news (2018) Vote Leave's targeted Brexit ads released by Facebook. *BBC News*, 26 July. <https://www.bbc.co.uk/news/uk-politics-44966969> . Lomas, N. (2018) Facebook finally hands over leave campaign Brexit ads. *Techcrunch*, July 26. <https://techcrunch.com/2018/07/26/facebook-finally-hands-over-leave-campaign-brexit-ad>

¹⁰ LSE, Opinium and Lansons (2016) 'The Impact of Brexit on Consumer behaviour', 8 June. <https://www.opinium.co.uk/?s=the+impact+of+brexit+on+consumer+behaviour>

¹¹ Merrick, R. (2019) Dominic Cummings: Vote Leave chief found in contempt of parliament over refusal to give evidence to 'fake news' inquiry. *The Independent*, 27 March. <https://www.independent.co.uk/news/uk/politics/dominic-cummings-vote-leave-contempt-parliament-brexit-inquiry-fake-news-a8841731.html>

¹² Banks, A. (2018) Oral evidence: Fake News, HC 363, 12 June. <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/disinformation-and-fake-news/oral/85344.html>

Banks described the issue of immigration as one that set ‘the wild fires burning’.¹³ As reported in *The New Yorker*: ‘A typical Leave.EU post on Facebook warned voters that “immigration without assimilation equals invasion”’.¹⁴ Furthermore, an investigation by *Channel 4 News* revealed in 2019 that Leave.EU was behind a fake video that went viral, garnering hundreds of thousands of views on Facebook. The video, published by Leave.EU as an ‘undercover investigation’ on Facebook, purported to show how easy it is to smuggle migrants into the UK from across the Channel. Debunking this video several years later, satellite data, seen by *Channel 4 News* shows the footage was filmed in reverse, and that the so-called shots of ‘migrants’ entering the UK were actually filmed before the boat had even left British waters.¹⁵

These messages are not only emotive but are also **deceptive** messages, as seen by post-referendum fact-checks of Leave’s message on: ‘£350 million’ and ‘Turkey’. On £350 million: *The Telegraph* and fact-checker *Full Fact* pronounced Vote Leave’s claim as wrong. They explained:

The UK pays more into the EU budget than it gets back. But it's not £350 million a week. The UK's discount, or rebate, reduces what we would otherwise be liable to pay. In 2015, we paid the EU an estimated £13 billion, or £250 million a week. Some of that money came back in EU payments funnelled through the government, so the government's ‘net contribution’ was around £8.5 billion, or £160 million a week. The EU also spends money directly – in grants to British researchers, for instance.¹⁶

The Independent also calls this claim out as a misuse of official statistics, not least because:

the effect on the UK’s public finances from depressed economic growth caused by leaving the single market is expected to dwarf any saving made from ending the UK’s subscription to the EU budget. The Office for Budget Responsibility says that even a 0.1 per cent fall in growth over the next 50 years would see tax receipts £36bn lower. Thus, the impression that leaving the EU would somehow save money or lessen austerity is likely to be a false one.¹⁷

The message on Turkey was also highly deceptive. At the time, negotiations for Turkey to join the EU had completed one of 35 ‘chapters’ of legislation and as a member the UK would be able to veto any plans. Jean-Claude Juncker, president of the European Commission, and Emmanuel Macron, president of France, have since strongly ruled out the possibility of Turkey joining the EU.¹⁸ Furthermore, there are no imminent plans for Macedonia, Montenegro, Serbia or Albania to join the EU.

Interestingly, that Leave’s messages on immigration were deceptive is unlikely to have damaged their persuasiveness amongst their target audience. Pre-referendum research into the psychology of the EU membership referendum vote amongst the British public found that: whilst the sample was virtually equally split between supporters of the Remain and Leave camps, ‘on the whole, the pro-remain arguments are

¹³ DCMS (2019) *Disinformation and ‘fake news’: Final Report*. 14 February. Digital, Culture, Media and Sport Committee, House of Commons 1791. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmcmds/1791/1791.pdf> p.43.

¹⁴ Caesar, E. (2019) Banks, the “Bad Boy of Brexit”, *The New Yorker*, 18 March. <https://www.newyorker.com/magazine/2019/03/25/the-chaotic-triumph-of-arrron-banks-the-bad-boy-of-brexit>

¹⁵ Channel 4 News (2019) Revealed: How Leave.EU faked migrant footage, 16 April. <https://www.channel4.com/news/revealed-how-leave-eu-faked-migrant-footage>

¹⁶ Kirk, A. (2017). EU referendum: The claims that won it for Brexit, fact checked. *The Telegraph*, 13 March. <http://www.telegraph.co.uk/news/0/eu-referendum-claims-won-brexit-fact-checked/>

¹⁷ Stone, J. (2017) Brexit lies: The demonstrably false claims of the EU referendum campaign, *The Independent*, 17 December. Available at: <https://www.independent.co.uk/infact/brexit-second-referendum-false-claims-eu-referendum-campaign-lies-fake-news-a8113381.html>

¹⁸ Griffin, A. (2018) Brexit Adverts used by Leave Campaign Revealed by Facebook. *The Independent*, 26 July. <https://www.independent.co.uk/life-style/gadgets-and-tech/news/brexit-facebook-ads-leave-campaign-nhs-immigration-boris-johnson-a8465516.html>

perceived as much more genuine than the pro-leave ones'.¹⁹ The authors interpret this as down to a large proportion of Leave voters actually expressing a visceral and emotional rejection of the EU in full belief that leaving may well come at some very direct cost. In other words, many do not necessarily believe the claims of the Brexit camp - that we will be no worse off after Brexit, or better able to control immigration – but they want to leave the EU anyway.

One might argue that citizens are used to deceptive, emotive political campaigns, and that campaigns such as those conducted by Leave during the Brexit referendum should therefore not precipitate social or political concern. However, we argue that what is problematic, is that techniques for targeting citizens with emotive and deceptive information have rapidly intensified in terms of granularity of targeting; and remain hidden from the view of the wider community or nation. Furthermore, deceptive and emotive messages have a propensity towards recirculation online. These are discussed in the following sections.

2.2 Techniques for targeting citizens with emotive and deceptive information have intensified in terms of granularity of targeting²⁰

In 2017, Cummings claims that Vote Leave had innovated, 'the first web-based canvassing software that actually works properly in the UK and its integration into world-leading data science modelling to target digital advertising and ground campaigning'.²¹ Across the following few years, the mechanics of this campaign were gradually revealed through a series of inquiries and investigations in the UK, as well as from revelations from insiders and whistleblowers.

In July 2018, the UK parliament (DCMS) published thousands of 'dark ads' that Facebook had used to target British citizens with pro-Leave messages during the Brexit campaign.²² These ads were run by AggreateIQ (a Canadian data firm that has been linked to British firm Cambridge Analytica/SCL) on behalf of Vote Leave (the official campaign to leave the EU) and '50 Million', BrexitCentral/BeLeave (the youth-oriented campaigners) and DUP Vote to Leave campaigns.²³

In November 2018, Howard presented written evidence to the UK's High Court to the effect that the impact of unlawful overspending on digital advertising by Vote Leave and BeLeave campaigns in the 2016 EU Referendum was likely enough to have swung the election results towards Leave.²⁴ In making his case, Howard's analysis reconstructs Vote Leave's digital campaign. Its core features are as follows.

- *Identification of target audiences, including the 'persuadables'.* AggreateIQ built a 'core audience' for Vote Leave's adverts, by first identifying the social media profiles of those who had already 'liked' Eurosceptic pages on Facebook. Vote Leave advertised to this core audience to try

¹⁹ LSE, Opinium and Lansons (2016) 'The Impact of Brexit on Consumer behaviour', 8 June.

https://www.opinium.co.uk/?s=the_impact_of_brexit_on_consumer_behaviour

²⁰ For more on this, as well as the ethical implications, see Emotional AI: <https://emotionalai.org>

²¹ Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign.

<https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/> p.2.

²² Digital, Culture, Media and Sport Committee (2018) Ads supplied by Facebook to the DCMS Committee. Available at: https://www.parliament.uk/documents/commons-committees/culture-media-and-sport/Fake_news_evidence/Ads-supplied-by-Facebook-to-the-DCMS-Committee.pdf

²³ The Electoral Commission found, in its report (July 2018), that Vote Leave and BeLeave acted under a common plan, for which they both relied on the services of AggreateIQ. See: The Electoral Commission (2018) Digital campaigning: increasing transparency for voters, June. https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Digital-campaigning-improving-transparency-for-voters.pdf

²⁴ Howard, P.N. (2018) Claim No: CO/3214/2018. THE QUEEN on the application of SUSAN WILSON & OTHERS - and-THE PRIME MINISTER, REPORT OF DR PHILIP N. HOWARD PROFESSOR, OXFORD UNIVERSITY TO THE HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT, DATED 30 NOVEMBER 2018. <https://www.ukineuchallenge.com/wp-content/uploads/2018/12/257136-Expert-report-of-Prof-Howard-FINAL-Signed.pdf>

and bring them onto its website where they would be invited to add their details to its database. AggregateIQ also used an advertising tool within Facebook called 'Lookalike Audience Builder', which applied the demographic features identified by Facebook in the 'core audience' group to the UK population at large. This second group ('the 'persuadables') consisted of about 9 million people on Facebook whom Facebook identified as having the same demographic features as the core audience, but had not previously expressed interest in Eurosceptic content on Facebook by 'liking' Eurosceptic pages.

- *Competition to attract the disinterested and build the database.* Early on in the campaign, Vote Leave launched a competition (on 27 May 2016) to attract the attention of people not normally interested in politics and to gather voters for its database. The competition promised a £50 million prize to anyone who could correctly predict the winner of all 51 games at football tournament, Euro 2016, and recruited former England cricketer, Sir Ian Botham, to promote the contest.²⁵ As Cummings describes, 'This provided very useful data including from people who usually ignore politics, helping us refine various models, and it also provided us with mobile numbers for GOTV [Get Out The Vote].'²⁶ Over 120,000 entered the competition, all of whom were sent a reminder on 23 June 2016 to vote in the 2016 Referendum.²⁷
- *Iterative testing of adverts to identify the most persuasive.* Via targeted digital advertising, Vote Leave then turned sympathisers into committed supporters of, donors to, and volunteers for the campaign. Sympathisers were invited to click on an online advert that took them to Vote Leave's website, where they would be invited to provide their personal details (populating Vote Leave's database), and to make a donation, share Vote Leave's messaging (thereby generating organic growth of the message), or volunteer their time towards the campaign. At each step in this process, the advertisements and messages were tested on an iterative basis, so that adverts or messages which failed to convince enough readers to move to the next step were re-worked or changed entirely until a success threshold was reached. For instance, in the Leave campaign, while funding the NHS from the money saved by leaving the EU was identified as a core message to be promoted, other ads were trialled suggesting that we spend the money saved on other things such storm defences in flooded York and education.²⁸ As such, the ads vary greatly in how many people saw them. According to Facebook's data (released with the ads), some are listed as only garnering between 0-999 impressions apiece. Commonly listed ranges include 50,000-99,999 and 100,000 -199,999. Higher ranges like 2M-4.9M and 5M-9.9M are also listed.²⁹ Nine adverts were viewed between two and five million times out of hundreds paid for by Vote Leave.³⁰
- *Profiling messages to different audiences online.* Vote Leave developed different advertisements for the 'core' and 'persuadable' audiences.³¹ Also, ads that were run by youth-oriented

²⁵ BBC news (2018) Vote Leave's targeted Brexit ads released by Facebook. *BBC News*, 26 July.

<https://www.bbc.co.uk/news/uk-politics-44966969>

²⁶ Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign.

<https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/> p.2.

²⁷ Howard, P.N. (2018) Claim No: CO/3214/2018. THE QUEEN on the application of SUSAN WILSON & OTHERS -and-THE PRIME MINISTER, REPORT OF DR PHILIP N. HOWARD PROFESSOR, OXFORD UNIVERSITY TO THE HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT, DATED 30 NOVEMBER 2018. <https://www.ukineuchallenge.com/wp-content/uploads/2018/12/257136-Expert-report-of-Prof-Howard-FINAL-Signed.pdf>

²⁸ BBC news (2018) Vote Leave's targeted Brexit ads released by Facebook. *BBC News*, 26 July.

<https://www.bbc.co.uk/news/uk-politics-44966969>

²⁹ Lomas, N. (2018) Facebook finally hands over leave campaign Brexit ads. *Techcrunch*, July 26.

<https://techcrunch.com/2018/07/26/facebook-finally-hands-over-leave-campaign-brexit-ad>

³⁰ Griffin, A. (2018) Brexit Adverts used by Leave Campaign Revealed by Facebook. *The Independent*, 26 July.

<https://www.independent.co.uk/life-style/gadgets-and-tech/news/brexit-facebook-ads-leave-campaign-nhs-immigration-boris-johnson-a8465516.html>

³¹ Howard, P.N. (2018) Claim No: CO/3214/2018. THE QUEEN on the application of SUSAN WILSON & OTHERS -and-THE PRIME MINISTER, REPORT OF DR PHILIP N. HOWARD PROFESSOR, OXFORD UNIVERSITY TO THE HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT, DATED 30

campaigners, Brexit Central/BeLeave, eschewed stoking fears against Turkish immigration, but instead urged target recipients to back a 'fair immigration system' or an 'Australian-style points based system'. This campaigner also created ads that invoked consumer technology as a reason to back Brexit: one appealed to users of ride-hailing apps and another to users of video streaming services to reject the EU by suggesting its regulations might interfere with access to these services.³²

- *Identification of swing voter mentality and behaviour.* Having identified from focus groups that crucial swing voters were very confused, and liable to change their decision on which way to vote based on whether they had last seen a message from either side of the referendum campaign, Vote Leave decided to implement a 'Waterloo Strategy', to ensure that a Vote Leave advertisement was delivered to swing voters as late as possible in the campaign. This involved, testing, over months, 450 different types of Facebook ad to see which were most effective, then spending a large amount of money (£1.5 million) in the last week on Facebook ads, digital ads and videos.³³

In November 2018, the British data protection regulator, The Information Commissioners Office (ICO) released the findings of its investigation into the use of data analytics for political purposes, revealing the unlawful use of data by various groups during the Brexit referendum. In particular, Cambridge Analytica harvested some 87 million Facebook profiles to create personality profiles that could be used to target leave voters during the referendum. Cambridge Analytica whistleblower, Christopher Wylie, said: 'We exploited Facebook to harvest millions of people's profiles. And built models to exploit what we knew about them and target their inner demons. That was the basis the entire company was built on.'³⁴ The ICO noted that the breaches by Cambridge Analytica were so serious (e.g. breaches of principle one of the DPA1998 for unfairly processing people's personal data for political purposes, including purposes connected with the 2016 US Presidential campaigns) that it would have issued a 'substantial fine' had the company not already gone into administration (Information Commissioners Office 2018: 35); and it is pursuing criminal prosecution over the Cambridge Analytica's Brexit data misuse.³⁵ The ICO also issued the maximum penalty of £500,000 to Facebook in October 2018 for allowing Cambridge Analytica to collect data of up to 87 million users through third-party apps.³⁶

NOVEMBER 2018. <https://www.ukineuchallenge.com/wp-content/uploads/2018/12/257136-Expert-report-of-Prof-Howard-FINAL-Signed.pdf>

³² Lomas, N. (2018) Facebook finally hands over leave campaign Brexit ads. *Techcrunch*, July 26.

<https://techcrunch.com/2018/07/26/facebook-finally-hands-over-leave-campaign-brexit-ad>

³³ Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign.

<https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/>. Howard, P.N. (2018) Claim No:

CO/3214/2018. THE QUEEN on the application of SUSAN WILSON & OTHERS -and- THE PRIME MINISTER, REPORT OF DR PHILIP N. HOWARD PROFESSOR, OXFORD UNIVERSITY TO THE HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT, DATED 30 NOVEMBER 2018.

<https://www.ukineuchallenge.com/wp-content/uploads/2018/12/257136-Expert-report-of-Prof-Howard-FINAL-Signed.pdf>

³⁴ Cadwalladr, C. (2018) Revealed: 50 million Facebook profiles harvested for Cambridge Analytica in major data breach. *Guardian*, 17 March. <https://www.theguardian.com/news/2018/mar/17/cambridge-analytica-facebook-influence-us-election>

³⁵ Information Commissioners Office (2018) *Investigation into the use of data analytics in political campaigns: A report to Parliament*, 6 November 2018. <https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf>

³⁶ Facebook was fined under the older Data Protection Act 1998, which meant the social media avoided a potential GDPR fine stretching to \$1.6bn.

2.3 Techniques for targeting citizens with emotive and deceptive information remain hidden from view of the wider community or nation

Cummings explains that in the referendum, the Vote Leave campaign 'excluded London and Scotland from most of our digital marketing'.³⁷ He elaborates: 'We ran very few digital ads in London (you can positively/negatively target audiences geographically) which contributed to people in London not seeing what we did.'³⁸ Furthermore, during the Brexit referendum, Facebook did not have any disclosure rules for political ads. As such, there was no way for anyone other than each target recipient to know a particular ad existed or who it was targeted at.³⁹

In October 2018, Facebook announced new requirements for organisations and individuals placing an advert that features political figures and parties, elections, legislation before Parliament or past referendums. These requirements introduced a verification process, whereby people placing political adverts must prove their identity (by a passport, driving licence, or residence permit), which will be checked by a third-party organisation. Political adverts suspected of promoting misinformation or disinformation can be reported and, if the advert contains 'falsehoods', it can be taken down.⁴⁰

However, in August 2019, the Guardian reported that coordinated disinformation campaigns can still get around Facebook's transparency requirements for political advertising. *The Guardian* describes how lobbying firm CTF Partners (run by Sir Lynton Crosby) has secretly built a network of unbranded 'news' pages on Facebook for dozens of clients ranging from the Saudi government to major polluters. This is an example of 'astroturfing', where political campaigners attempt to create the perception of an upswell of grassroots support for a cause:

The supposed news sources, which were liked by millions of users and reached tens of millions through the use of paid Facebook adverts, were grown using the social network's promotional tools, with assistance from Facebook sales teams who encouraged the purchase of more promotions. Once CTF employees found a tactic that provoked a strong reaction, they would double down, according to one of the ex-employees: "If you're after the Maga [make America great again] crowd you just target people like this. Then once you've got an audience you just target people like that."⁴¹

Facebook said the network of pages pretending to be news sources on behalf of corporate and state clients did not break their rules on 'coordinated inauthentic behaviour' (a term used to shut down disinformation networks overseen by foreign governments) because Crosby's employees used their real names on internal Facebook administration tools (information that is not available to the general public).

That dark ads and dark posts continue to abound, despite Facebook's efforts to prevent this, leads to silo-ed, non-scrutinised, un-fact checked conversations about what campaigners stand for and are promising (notwithstanding efforts by whistleblowers and investigative journalists).

³⁷ Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign. <https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/> p.5.

³⁸ Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign. <https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/> p.11.

³⁹ Lomas, N. (2018) Facebook finally hands over leave campaign Brexit ads. *Techcrunch*, July 26. <https://techcrunch.com/2018/07/26/facebook-finally-hands-over-leave-campaign-brexit-ad>

⁴⁰ DCMS (2019) *Disinformation and 'fake news': Final Report*. 14 February. Digital, Culture, Media and Sport Committee, House of Commons 1791. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmcmds/1791/1791.pdf> p.62.

⁴¹ Waterson, J. (2019) Revealed: Johnson ally's firm secretly ran Facebook propaganda network. *Guardian*, 1 August. https://www.theguardian.com/politics/2019/aug/01/revealed-johnson-allys-firm-secretly-ran-facebook-propaganda-network?CMP=Share_iOSApp_Other

This non-transparent state of affairs is particularly problematic in national elections and referenda for the following reasons.

- *Informed choices.* As the UK's ICO notes: 'Citizens can only make truly informed choices about who to vote for if they are sure that those decisions have not been unduly influenced.'⁴² They further observe: 'If voters are unaware of how their data is being used to target them with political messages, then they won't be empowered to exercise their legal rights in relation to that data and the techniques being deployed, or to challenge the messages they are receiving.'⁴³
- *Shared national conversations better enable us to hold power to account.* The importance of, and threat to, shared national conversations must be recognised. If deceptive micro-targeting takes place, and if this is not scrutinised by central authorities and media (or if citizens are no longer paying attention to central authorities and mainstream media) then there is little chance of those elected on such platforms being held to public account.
- *Polarisation potential.* If disinformation circulates, uncorrected, in closed communities, and if that disinformation is deliberately inflammatory, we generate a polarised, emotive society. *Selective exposure*, where people prefer and tune into, information that supports their existing beliefs is an old finding in communication research.⁴⁴ However, when selective exposure is combined with false information that is fed into self-reinforcing algorithmic and cognitive systems, or digital 'echo chambers', there is little chance of citizens correcting the false information. Empirically demonstrated consequences of algorithmically created filter bubbles and human confirmation bias are limited exposure to, and lack of engagement with, different ideas and other people's viewpoints.⁴⁵
- *Undue influence.* It is impossible to know for sure which aspects of a campaign were decisive to winning the votes.⁴⁶ While it is impossible to disentangle which aspects of the campaign proved decisive, Ben Page, who runs polling company Ipsos Mori, told the *New Yorker*: 'when something is very close, as this was, anything can make a difference. ... By having an official and unofficial Leave campaign, there was the ability to offer a respectable (sovereignty) and less respectable (migrant scum) argument simultaneously.' Arron Banks told the *New Yorker* that the social-media postings of Leave.EU reached working-class voters, particularly in the North of England, who would not otherwise have voted.⁴⁷ Claims from insiders on the centrality of targeting users to winning elections are also made for the Trump 2016 presidential campaign. According to the Final Report from the UK's Inquiry into Disinformation and 'Fake News', Theresa Hong, a member of Trump's 2016 digital presidential election campaign described 'Project Alamo'. This involved staff working for presidential candidate Trump, Cambridge Analytica staff and Facebook staff, 'all working together with the Cambridge Analytica data sets, targeting specific states and

⁴² Information Commissioners Office (2018) *Investigation into the use of data analytics in political campaigns: A report to Parliament*, 6 November 2018. <https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf> p.4.

⁴³ Information Commissioners Office (2018) *Investigation into the use of data analytics in political campaigns: A report to Parliament*, 6 November 2018. <https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf> p.18.

⁴⁴ Lazarsfeld, P.F., Berelson, B. and Gaudet, H. (1944) *The People's Choice: How a Voter Makes up his Mind in a Presidential Campaign*. New York: Columbia University Press.

⁴⁵ Bessi A., Zollo F., Del Vicario M., Puliga M., Scala A., Caldarelli G. Uzzi, B. & Quattrociocchi, W. (2016) Users Polarization on Facebook and Youtube. *PLoS ONE* 11(8): e0159641. doi:10.1371/journal.pone.0159641; del Vicario, M., Bessi, A., Zollo, F., Petroni, F., Scala, A., Caldarelli, G., Stanley, H. E. and Quattrociocchi, W. (2016). The spreading of misinformation online. *Proceedings of the National Academy of Sciences*, 113(3): 554-559. <http://www.pnas.org/content/113/3/554.full.pdf>

⁴⁶ Some have tried e.g. Howard, P.N. (2018) Claim No: CO/3214/2018. THE QUEEN on the application of SUSAN WILSON & OTHERS -and-THE PRIME MINISTER, REPORT OF DR PHILIP N. HOWARD PROFESSOR, OXFORD UNIVERSITY TO THE HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT, DATED 30 NOVEMBER 2018. <https://www.ukineuchallenge.com/wp-content/uploads/2018/12/257136-Expert-report-of-Prof-Howard-FINAL-Signed.pdf>

⁴⁷ Caesar, E. (2019) Banks, the "Bad Boy of Brexit", *The New Yorker*, 18 March. <https://www.newyorker.com/magazine/2019/03/25/the-chaotic-triumph-of-arron-banks-the-bad-boy-of-brexit>

specific voters. The project spent \$85 million on Facebook adverts and Ms Hong said that “without Facebook we wouldn’t have won”.⁴⁸ We should not depict this state of affairs as a democratic collapse, not least because advertising technologies are unlikely to be as effective as their sales teams tout. However, the prominence of analytics companies is cause for concern, especially regarding transparency of their activities to the Electoral Commission (in the UK) and citizens. As the UK’s ICO points out: ‘Without a high level of transparency and trust amongst citizens that their data is being used appropriately, we are at risk of developing a system of voter surveillance by default.’⁴⁹

- *Distrust in electoral system.* If winning campaigns are based on disinformation, the winners’ false claims are likely to generate social discontent with the democratic outcome and process.

2.4 False messages prompt reactions of fear, disgust and surprise, and have a propensity towards recirculation online

Vosoughi et al.’s big data study of Twitter finds that false information spreads faster than truth on Twitter.⁵⁰ They investigated the differential diffusion of all of verified true and false news stories distributed on Twitter from 2006 – 2017 (comprising ~126,000 stories tweeted by ~3 million people more than 4.5 million times).⁵¹ They found that falsehood diffused significantly farther, faster, deeper, and more broadly than the truth in all categories of information: the effects were more pronounced for false political news than for false news about terrorism, natural disasters, science, urban legends, or financial information. They found that false stories inspired fear, disgust, and surprise in replies, whereas true stories inspired anticipation, sadness, joy, and trust. They also found that robots accelerated the spread of true and false news at the same rate: this implies that false news spreads more than the truth because *humans*, not robots, are more likely to spread it.

A previous section has already established that the core messaging on the Vote Leave campaign was deceptive. Also of note is that part of Vote Leave’s strategy to turn sympathisers into committed supporters of the campaign was to invite the user to share Vote Leave’s messaging on the individual’s own social media accounts, thereby generating organic growth of the message without cost to Vote Leave. This dual prompt of false messaging plus an incitement to a sympathetic user to share the message would lead to recirculation of the message online. Indeed, according to Cumming’s blog, Vote Leave’s Facebook Advertising reach was weighted towards organic rather than paid (with the exception of the last week of the campaign).⁵²

⁴⁸ DCMS (2019) *Disinformation and ‘fake news’: Final Report*. 14 February. Digital, Culture, Media and Sport Committee, House of Commons 1791. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmcmds/1791/1791.pdf> p.62.

⁴⁹ Information Commissioners Office (2018) *Investigation into the use of data analytics in political campaigns: A report to Parliament*, 6 November 2018. <https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf> p.19.

⁵⁰ Vosoughi, S., Roy, D., Aral, S. (2018) The spread of true and false news online. *Science*. VOL 359 ISSUE 6380.

⁵¹ They classified news as true or false using information from 6 fact-checking organisations that exhibited 95 to 98% agreement on the classifications.

⁵² Cummings, D. (2017) On the referendum #22: Some basic numbers for the Vote Leave campaign. <https://dominiccummings.wordpress.com/2016/10/29/on-the-referendum-20-the-campaign-physics-and-data-science-vote-leaves-voter-intention-collection-system-vics-now-available-for-all/> p.15.

3. Solutions

3.1 Solutions generated by Inquiries and Government

Various post-Brexit Inquiries in the UK agree that people need to be aware of attempts to manipulate them. Solutions put forward to safeguard elections (and that the UK government agreed, in May 2019, to take forward) centre on ensuring that online election material, via imprints, clearly shows who has produced it – thus helping the electorate evaluate and to come to their own conclusions about the online messages that they receive; new laws to bar people from running for office if found guilty of intimidating or abusive behaviour; and launching a consultation on electoral integrity in order to protect UK politics from foreign influence.⁵³

Other steps announced include improving citizens' digital literacy in the area of disinformation. For instance, in 2019, the Government launched a pilot behaviour change campaign aiming to increase audience resilience to disinformation, by educating and empowering those who see, inadvertently share and are affected by, false and misleading information. The campaign aims to increase the audience's ability to spot disinformation by providing them with straightforward advice to help them check whether content is likely to be false or intentionally misleading.⁵⁴

3.2 Unaddressed solutions: towards culture change

While these are all important steps (albeit with difficulties and limitations), also important, but largely unaddressed, are the following:

- a) Culture change amongst political campaigners towards running civil and informative election campaigns,
- b) Reinforcement of citizens' expectations that civil and informative election campaigns are what they will be exposed to.

On the *need for a culture change amongst political campaigners towards running civil and informative election campaigns*, the above analysis of the Brexit referendum campaign clearly shows that standards need to be raised among many of the campaigners themselves. The ability to micro-analyse, profile and target audiences with messages that maximise engagement of the targeted audience (with deceptive and emotive messages likely to be the most successful), to the exclusion of any other criteria, is likely to increase.⁵⁵ Indeed, the ICO's report, *Investigation into the use of data analytics in political campaigns*, while largely reporting on the Leave campaign, points to the problems identified being more widespread.⁵⁶ The ICO was particularly concerned by:

- the purchasing of marketing lists and lifestyle information from data brokers without sufficient due diligence around those brokers and the degree to which the data has been properly gathered and consented to;
- a lack of fair processing information;
- use of third-party data analytics companies with insufficient checks that those companies have obtained correct consents for use of data for that purpose;

⁵³ Cabinet Office and Kevin Foster MP (2019) *Press release: Government safeguards UK elections*, 5 May. <https://www.gov.uk/government/news/government-safeguards-uk-elections>

⁵⁴ Don't feed the Beast. <https://sharechecklist.gov.uk>

⁵⁵ Bartlett, J., Smith, J. & Acton, R. (2018) *The Future of Political Campaigning*. Demos. July. <https://ico.org.uk/media/2259365/the-future-of-political-campaigning.pdf>

⁵⁶ Information Commissioners Office (2018) *Investigation into the use of data analytics in political campaigns: A report to Parliament*, 6 November 2018. <https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf>

- assuming ethnicity and/or age and combining this with electoral data sets they hold, raising concerns about data accuracy;
- provision of contact lists of members to social media companies without appropriate fair processing information and collation of social media with membership lists without adequate privacy assessments.⁵⁷

As the ICO explains, formal warnings were issued to 11 political parties (Conservatives, Labour, Lib Dems, Greens, SNP, Plaid Cymru, DUP, Ulster Unionists, Social Democrat, Sinn Féin and UKIP) detailing the outcome of their investigation and the steps that needed to be taken.⁵⁸

If parties are going to continue to target voters with messages iteratively tested and tailored to maximise engagement, then a code of ethical conduct should be developed (and adhered to) for the messages to be both *civil* and *informative*. Citizens should be able to expect such ethical conduct from the campaigns of their would-be-leaders.

Rather than merely delegating this task of policing ethics to social media companies, regulators,⁵⁹ or to heavy handed censorship laws (as in Singapore),⁶⁰ it is in the long-term interests of society that we start to *reinforce citizens' expectations that civil and informative election campaigns are what they will be exposed to*. This should be a process of long-term, continuing, education of all citizens, conducted and contextualised by each election or referendum (rather than short-term behaviour change campaigns). This will help voters recognise emotive and deceptive online messages (research indicates that people are poor judges in these areas).⁶¹ In turn, the development of such cultural norms - of *civility* and *informativeness* - should help constrain campaigners who are hungry to win at all costs.

To that end, we make the following final Recommendations.

⁵⁷ Information Commissioners Office (2018). *Investigation into the use of data analytics in political campaigns: A report to Parliament*, 6 November 2018. <https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf> p.23.

⁵⁸ The formal warnings included a demand for each party to provide Data Protection Impact Assessments (DPIAs) for all projects involving the use of personal data. Under the GDPR, data controllers are required to complete a DPIA wherever their intended processing is 'likely to result in high risk' to the rights and freedoms of data subjects. Because parties are using special category data (relating political opinions and ethnicity), as well as automated decision making and profiling, they would therefore be required undertake a DPIA under the GDPR. A DPIA gives a systematic and objective description of the intended processing and considers the risk to people's personal data – not only the compliance risk of the organisation involved.

⁵⁹ In April 2019, the UK government announced in its Online Harms White Paper that a new independent regulator will be introduced to ensure that social media companies and tech firms are legally required to protect their users from a range of online harms, including disinformation, and face tough penalties if they do not comply. See Gov.UK (2019) Press release: UK to introduce world first online safety laws, 8 April. <https://www.gov.uk/government/news/uk-to-introduce-world-first-online-safety-laws>

⁶⁰ Russell, J. (2019) Singapore passes controversial 'fake news' law which critics fear will stifle free speech. *Techcrunch*. <https://techcrunch.com/2019/05/09/singapore-fake-news-law/>

⁶¹ Wardle, C. and Derakshan, H. (2017) *Information Disorder: Toward an interdisciplinary framework for research and policy making*. Council of Europe report DGI(2017)09. <https://rm.coe.int/information-disorder-toward-an-interdisciplinary-framework-for-research/168076277c>

4. Recommendations

4.1 That there be incentives for digital political campaigners to act ethically, and for their behaviour to be critically and regularly reflected upon by society.

4.2 Specifically, we recommend the institution of publicly available self-evaluations by all political campaign groups post elections to:

- Summarise which audiences were targeted, and with what success.
- Reflect upon which aspects of the campaign most succeeded in mobilising voters (e.g. specific adverts, messages, themes, memes).
- Reflect upon whether the campaign gave voters enough information to make an informed choice on which to base their electoral decision: i.e. was the information true, complete, undistorted, and relevant?⁶²
- Reflect upon to what extent the campaign was civil.

4.3 We further recommend that this self-reporting be incentivised via:

- An independent panel (of diverse stakeholders, including fact-checkers, academics, and campaigners from opposing sides) to verify, and critically comment upon, the self-evaluations.
- A kite-mark system to brand the veracity and civility of the campaigning.
- Ensuring that this is covered by the media, post-election, and that the analysis is available online in a public archive.

⁶² This list is derived from research that theorises and distinguishes consensual persuasion from manipulative persuasion. See Bakir, V., Herring, E., Miller, D. and Robinson, P. (2018) Organized Persuasive Communication: A new conceptual framework for research on public relations, propaganda and promotional culture. *Critical Sociology*. <https://doi.org/10.1177/0896920518764586>



Response to the All-Party Parliamentary Group on Electoral Campaigning Transparency

By Dr John Ault and Harry Busz

28th July 2019

Introduction

Democracy Volunteers welcomes the formation of the All-Party Parliamentary Group on Electoral Campaigning Transparency and the research that you are undertaking to try to improve the conduct and oversight of elections in the UK. There are many areas which will receive comment from other organisations and, whilst we might have interest in some of these, we feel it is most appropriate to deal with those specific to election observation and how it is conducted in the UK.

In general, we have a few areas on which to comment but overall we would identify topics which have not been included in the area for review as ones which are equally important, and arguably more common place, than some of the challenges that have been identified. We wish to highlight:

- The narrow focus of the review, which misses out critical issues related to electoral fraud and the Electoral Commission's interaction with these such as family voting, postal voting and misconduct in polling stations.
- That dealing with some of these 'analogue' challenges would allow authorities to deal with the failings identified by the review in the new digital age.
- That third parties can find traditional ways to influence elections such as pressuring voters with the aid of technology, for instance the challenge of digital photography, in polling booths.

Transparency

How elections are run, how campaigns are conducted and how the process is accessible to the public as well as for observation are fundamental to a transparent democratic system. We support some of the suggested aims of the APPG in creating an environment where it becomes both the norm, and the legal framework, for election expenses to be produced online for a wider audience and for parties to be required to use their imprints on online election material, in the same way that they do for printed materials.

However, we believe that these changes should be in the context of a broader review of the UK's electoral law, and whilst we concede these might be simple successes we also feel that there is a requirement to assess electoral law on a wider basis in the context of modern political campaigning, whilst still conducting elections essentially in the same manner they have been conducted for the past century.

We believe an important aspect of improving transparency is to have a greater awareness of election observation as a fundamental part of the UK's political landscape. Often election administrators are unaware that election observation is even a possibility but, used properly, it can be an added level of deterrence against election malpractice and work as an effective bulwark against inefficient election administration. It can make elections more transparent as members of the public can observe polling operations and compare them to the standards

that are expected. We would argue that the identification of unsealed ballot boxes, something that would be considered extremely concerning in less developed democracies, goes almost unmentioned in the UK on the occasions we have observed it. Allowing (and even encouraging) observation more widely would allow for greater public trust in elections, as well as for greater trust among parties and candidates due to the independent oversight which occurs during polling operations when under observation.

Whilst we concede that much of modern campaigning is done online, we also believe that some aspects of campaigning have not changed over recent years, such as election literature being given to voters. This literature can often appear in polling stations, indeed in a recent election observation in Northern Ireland, Democracy Volunteers observed election literature being left in polling booths in 19% of polling stations. Whilst this may not be seen as being as immediately as challenging to the democratic process as newer forms of campaigning, there can be little doubt it had an impact on these polling stations.¹

Deterrence

With respect to deterrence, Democracy Volunteers welcomes the expansion and clarification of the jurisdiction of the Electoral Commission. Interference, foul play and a poor understanding of electoral laws are witnessed at many of the polling stations our organisation observes.

Many of the issues which we commonly encounter, such as family voting, improper campaigning on the ground and, more recently, the use of technology in order to record one's supposedly secret ballot, pose a serious threat to the integrity and validity of elections in the UK. As such we believe, as the Electoral Commission aims to support well run elections, that these areas must be focussed on in addition to campaign finance as elections move into the digital age.

Codes of practice for campaigners

Operations concerning the ground activities of elections and referenda are overseen by the Electoral Commission through their publication, *Code of Conduct for Campaigners*, which covers electoral registration, postal voting, proxy voting and polling station malpractice. From our perspective, the advice given in this publication are of crucial importance to securing free and fair elections, and the circulation of this to political parties and candidates contesting elections is welcomed.

However, with regards to these issues the Electoral Commission has a relatively weak level of enforcement, with the document acting as a guide rather than carrying any significant legal backing through the Commission's PPERA (2000) duties. Complaints are made to local

¹ <https://democracyvolunteers.org/2019/07/02/final-report-northern-ireland-local-elections-02-05-19/>

authorities as a first port of call with the Electoral Commission acting as an advice giver. After this, criminal proceedings will be brought if the offence is deemed to be worthy of such intervention. We believe these actions are concerning as it shifts responsibility away from a central governing body leading to variance in its application and removes the expertise the Commission has, from direct investigation.

Electoral Interference

The dangers to the democratic process of modern technology are not simply limited to the impact of modern online campaigning techniques. The use of modern technology can allow for greater control over voter behaviour from outside actors.

In the recent Peterborough parliamentary by-election our observer team identified a growing practice of voters photographing their ballot papers. Whilst some have suggested this is to show their contempt for the electoral process and arguably those standing for election, this appeared to be on a more organised level than merely using social media to express discontent.

Mobile phones allow voters to not only photograph their ballots but also to disseminate that information. At present it is not illegal to take a photograph of one's own ballot paper, but it is a potential breach of the secret ballot if someone else disseminates the image. The Electoral Commission discourages the practice but is unable to legislate to limit the use of photography in polling stations. The innovation of such availability of this phone function and the ready means to communicate that to others is clearly a potential weakness of the present legislation concerning the secret ballot.

We would recommend that this is outlawed as it could be possible to check how voters have voted if some unscrupulous individual wished to do so. We believe there was evidence in the Peterborough by-election to suggest that photography was undermining some individuals' rights to have a secret ballot as this information appeared to be for dissemination rather than personal use.²

Public Engagement in Preventing Electoral Fraud

The UK's electoral framework is Victorian in origin and the details of electoral misconduct are unclear to many voters. In some cases, election malpractice is not, in reality, an intended action of the voters than conduct them. The most obvious case is that of so-called 'family voting'. This occurs when two or more voters enter a polling booth together and collaborate on how to vote. We see this a great deal in the United Kingdom. In the recent local elections in Northern Ireland, where we attended 23% of all the polling stations, we observed this in almost half of the polling stations we attended – affecting 9% of those voters we observed.

² <https://democracyvolunteers.org/2019/06/24/final-report-peterborough-parliamentary-by-election-06-06-19/>

The fact that almost 1 in 10 voters either had oversight of another's vote or could not vote in secret is clearly a challenge to our democratic process.³

What is interesting is that when we observe other European countries, this behaviour is much less common than in the UK. We believe in the cases of both The Netherlands and Finland that this is because they have public information programmes concerning this kind of unacceptable practice and signage in polling stations to discourage it.

In Finland, these forms of public engagement and electoral education are actually an aspect of secondary and adult education programmes where the public is given 'fake news' awareness so that they are more aware of the various campaign methods that are being used to affect their vote, whether legitimately or otherwise.

We believe that one of the fundamental failings of the UK's own regulatory system is that there is a presumption that the Electoral Commission is even able to conduct oversight of the electoral process when, in reality, they are only responsible for giving advice to those who actually conduct elections⁴ – the returning officers based in local councils.

The public should be a key part of the prevention of electoral fraud which is one of the reasons for the creation of the citizen observer group, Democracy Volunteers. By having greater numbers of independent observers overseeing elections there would be greater confidence in the process for voters and those conducting elections themselves.

Placing observation as a cornerstone of making elections more transparent

Election observation is an internationally accepted aspect of elections. As part of the OSCE the UK is a signatory to the Copenhagen Agreement which requires member states to issue invitations to observe elections to the OSCE/ODIHR and any other interested and qualified organisations.

The UK's Electoral Commission is responsible for administering and accrediting those who seek to be observers. The process is open to anyone who has not been subject to a conviction for an electoral offence in the past 5 years, is over the age of 16 and can produce appropriate identification. Observers must also commit not to be engaged in political activity and have to sign a declaration similar to that required of party activists attending counts and polling stations during an election.

Observation, though something which has been available to interested parties for some years now, continues to be at the periphery of electoral management. Fewer than 500 people are accredited observers in the UK, of which many are civil servants, but the potential role of

³ <https://democracyvolunteers.org/2019/07/02/final-report-northern-ireland-local-elections-02-05-19/>

⁴ Except in the case of referenda.

observers to function as part of the deterrence process, and to aid the transparency of elections, should not be underestimated. However much the powers of the Electoral Commission are extended, or increased, their capacity to assess every polling station during an election is implausible.

Whilst we appreciate that the nature of this review by the APPG is primarily aimed at newer issues which concern elections, such as the use of online campaigning and online reporting, we do feel that this is to ignore other aspects of elections which are equally under threat from interference and where transparency can be enhanced.

As things stand, election observers are afforded reasonable access to the election process in polling stations and at counting venues to check that the electoral process is being conducted properly. As has recently been discussed, especially around the Peterborough By-election, postal voting is an area which is open to some question as it can be manipulated by those that seek to affect the voting behaviour of others. We feel this constitutes a significant challenge to the electoral process and should be open to greater oversight by independent observers. At the moment voters are simply required to sign a form to state they are conducting their vote in secret, but it is impossible to check if this is the case.

Greater checks should be in place to limit the capacity for this process to be manipulated which can be independently verified by observers. Perhaps the UK should move to a position where advance voting is a possibility in the UK, reducing the necessity for postal voting.

Conclusion

We would like to thank the APPG for this opportunity to comment on this review. We would welcome the opportunity to comment further as some of our suggestions do not easily fit within some of the aspects of the review. We do feel, however, that some of the infractions we see on a regular basis are significant challenges to the democratic process and ones which should be given consideration alongside those being considered for the advent of more technologically advanced aspects of campaigning.

APPG on Electoral Campaigning Transparency – Facebook response

Facebook is committed to improving transparency in digital campaigning and we believe that updating election regulation to include clear regulatory guidance on requirements in this space would ensure a level playing field and enable voters to understand who is running campaigns and who is seeing those campaigns.

We have taken an industry-leading position on political ad transparency in the UK, introducing new tools that go beyond what is currently required of us by law and further than anywhere else that allows political advertising. We are unique in offering this level of transparency around political advertising in the UK.

Political advertising laws primarily focus on candidates and elections, rather than divisive political issues where we've seen more attempted interference. Some laws only apply during elections, although information campaigns are nonstop. And there are also important questions about how political campaigns use data and targeting. We believe legislation should be updated to reflect the reality of the threats and set standards for the whole industry.

What we have done so far:

Advertising

- Digital advertising is typically more affordable than TV or print ads, giving less well-funded candidates a relatively economical way to reach their future constituents.
- Facebook has already made significant changes around political ads: Advertisers in many countries including the UK must verify their identities and confirm that they are based in that country, before purchasing political ads. We have built a searchable library that shows who pays for ads, what other ads they ran and what audiences saw the ads. However, deciding whether an ad is political isn't always straightforward. Our systems would be more effective if regulation created common standards for verifying political actors.
- Different countries maintain their own standards and laws to ensure that people know who pays for the political advertising they see. People rightly expect that these standards will be reflected online, and we've been testing a range of ways of not only meeting those requirements in online political advertising, but going one step further by telling you who paid for an advert and housing all these ads for up to seven years in the Ad Library.
- All election ads on Facebook and Instagram must be clearly labeled, including a "Paid For By" disclosure from the advertiser at the top of the ad. When people see that label, it means the person writing the ad went through the authorisation process and verified his or her identity and location. We believe this new level of transparency is good for people and will allow journalists, researchers, NGOs and others to hold campaigns, candidates and organisations accountable for the ads they create.

- We're up against smart and well-funded adversaries who change their tactics as we spot abuse. But we believe that this higher level of transparency is good for democracy and is good for the electoral process.

Tools

[In October 2018 in the UK we launched new tools aimed at bringing increased transparency to ads related to politics:](#)

- A [“Paid for by” disclaimer](#) that requires a political advertiser to verify their ID and location and accurately represent the Page that is running each ad.
- Our [Ad Library](#) that archives political ads for seven years - which ensures a campaign can't just pop-up and disappear, as ads remain visible even after they stop running.
- We also publish a [Library Report](#) detailing ads run and top spenders across our platforms.
 - You can search by the last day, seven days, 30 days, 90 days or all dates.
 - This Report gives everyone the ability to easily find out about the Pages running political ads, where they can search for further information about the advertiser and direct questions to them.
- In addition to that, [you can now see all ads every Page is currently running globally](#), simply by clicking 'Page Transparency' on any Facebook Page.

Security and misinformation

- The term “fake news” is used to describe a lot of different types of activity that we would like to prevent. When we study these issues, we have to first define what is actually “fake.” The most common issues are:
 - Fake *identities*– an instance where an actor conceals their identity or takes on the identity of another group or individual;
 - Fake *audiences*– this is using tricks to artificially expand the audience or the perception of support for a particular message;
 - False *facts* – the assertion of false information; and
 - False *narratives*– which are intentionally divisive headlines and language that exploit disagreements and sow conflict. This is the most difficult area for us, as different news outlets and consumers can have completely different opinions on what an appropriate narrative is even if they agree on the facts.
- To tackle these issues, we engage in pragmatic planning by studying each upcoming election and working with external experts to understand the actors involved and the specific risks in each country.
- We block millions of fake accounts each day at the point of creation before they can do any harm. This has been possible thanks to advances in machine learning, which have allowed us to find suspicious behaviours — without assessing the content itself.

- Our efforts to fight false news rely on increased investments in both technology and people, with the goal of reducing opportunities for manipulation, while still allowing for open discussions. Our effort follows a three-pronged approach which we call remove, reduce, and inform. This involves *removing* content that violates our policies, *reducing* the spread of problematic content that does not violate our policies and *informing* people with additional information so they can choose what to click, read or share.
- Fighting misinformation is an ever-evolving problem and we can't do it alone. In 2016, Facebook [started](#) its third-party fact-checking program, working with [IFCN-certified](#) fact-checkers around the world to [rate and review](#) the accuracy of content on our platform. In the UK we have worked with Full Fact since the start of 2019.

Voter Suppression

- We already prohibit offers to buy or sell votes as well as misrepresentations about the dates, locations, times and qualifications for casting a ballot. We have been removing this type of content since 2016.
- We extended this policy further and are expressly banning misrepresentations about how to vote, such as claims that you can vote using an online app, and statements about whether a vote will be counted (e.g. "If you voted in the primary, your vote in the general election won't count.").
- We recognise that some posts that are reported to us may require additional review. For example, we're unable to verify every claim about the conditions of polling places around the world (e.g. "Primary School Flooded, Polling Location Closed"). In these cases, we will send content to our third-party fact-checkers for review. Content that is rated false will be ranked lower in News Feed, and accompanied by additional information written by our fact-checkers - 'Related Articles' - on the same subject.
- We are constantly looking for ways to stay one step ahead of bad actors. For example, Facebook's technology detected a false post claiming that Brazil's Election Day had been moved from October 7 to October 8 due to national protests. While untrue, that message began to go viral. We quickly detected the problem, determined that the post [violated our policies](#), and removed it in under an hour. And within two hours, we'd removed other versions of the same fake news post.

EU Elections

- Our preparations for these elections represented one of the most sophisticated operations Facebook has ever deployed to fight against misinformation, combat hate speech and prevent foreign interference - there are now nearly 40 different teams working on elections across the company.
- We launched our political ads transparency tool in 27 countries simultaneously ahead of the election. We have built our system around the legal responsibility which is conferred upon national election authorities.

Proposals for updated regulation in this space:

We believe that electoral regulation needs to be updated to take account of how campaigns are increasingly using online advertising. An update to existing regulation is necessary to ensure that the requirements on campaigners are clear and that they comply with these requirements.

Below we have outlined some initial thoughts about the updates that might work in this area, but this is not a definitive position and we would welcome the opportunity to engage in further discussion in this area with the APPG.

How could regulation be updated to include digital advertising?

- We believe that regulation in this area should require the Electoral Commission or the Government to define:
 - 1) which entities are eligible to engage in political advertising,
 - 2) what steps such entities must take when purchasing online political advertising; and
 - 3) what constitutes a political advertisement
- Regulation should set forth how disclosures will reveal the identity of the person or entity behind an ad, creating common criteria for how to verify an entity that purchases online advertisements.
- Regulation should specify how political campaigns are and are not permitted to use data to target voters.
- The Regulator should specify clearly what an eligible entity who wants to engage in political advertising must do in order to do so legally. Options might include requiring eligible entities to register with the Electoral Commission as a political advertiser, requiring them to report all political advertising activity, and requiring them to adhere to specific guidelines on use of data.
- It is important to consider carefully how responsibilities should be allocated in any updated regulatory framework. The primary responsibility for the legality of political campaigns should always lie with those who run those campaigns while other entities may need to accept some specific requirements if they choose to offer their services to political campaigns. These requirements need to be reasonable if the intent is for service providers to feel able to continue supporting political campaigns.

APPG on Electoral Campaigning Transparency

Professor Justin Fisher (Brunel University London)

July 2019

Executive Summary

This paper is in response to the call for evidence by the APPG on Electoral Campaigning Transparency. It features a series of recommendations informed by extensive academic research on campaigns and political finance. While there are some concrete steps that can be taken, it is, however, important to remember that a balance must be struck between effective regulation and ensuring that legitimate political activity is not unduly hindered through over-regulation of political life. Furthermore, it is essential to note that regulations alone may do little to improve public confidence.

Recommendation 1. Increase the frequency of donation reporting between elections and during the short campaign, introducing 'real time' declaration of donations at national level

Recommendation 2. Review the level of fines available to the Electoral Commission and establish a principle of the size of fines relative to party income.

Recommendation 3. Consider the establishment of a permanent unit within an existing department to keep electoral law under regular review.

Recommendation 4: The spending limits for registered participants in referendums should be reduced significantly to ensure that the designated campaigns are paramount in any referendum contest.

Recommendation 5: The deadline for registration as a permitted participant in a referendum should take place much earlier, perhaps in advance of the controlled period.

1. Transparency

- 1.1 At the outset, it is important to recognise that transparency in respect of campaign spending and activity is relatively new, only being introduced by the *Political Parties, Elections and Referendums Act 2000* – hereafter PPERA. Prior to that, levels of transparency were minimal.
- 1.2 PPERA represented a very significant change in respect of electoral law and has been broadly successful in delivering transparency and oversight in elections, though less so in terms of referendums.¹
- 1.3 Importantly, PPERA was delivered with broad cross-party consensus, in part because most of the provisions were proposed by the Committee on Standards in Public Life.²
- 1.4 PPERA provides a sound basis for regulations on transparency and oversight and so for all its possible shortcomings, many criticisms of the legislation are exaggerated in respect of elections and party finance (though not referendums).
- 1.5 Inevitably, some aspects of PPERA have not kept pace with technological change. Thus, digital advertising did not feature when the legislation was drafted. As digital campaigns grow in importance, it is essential that the imprint found on printed materials is also applied to digital ones.
- 1.6 However, it is also worth noting three key things in respect of digital campaigning:
 - 16.1 *First*, the targeting associated with digital is not new – it represents an evolution of existing practice.
 - 16.2 *Second*, despite the coverage of digital campaigning, printed materials still represent a more significant form of election campaigning, though that will probably change over time.³
 - 16.3 *Third*, there are some aspects of digital campaigning which cannot be legislated upon and which may lead to a reduction in transparency. The global reach of the internet means that communications are by no means solely domestic. As a consequence, digital imprints may not capture all materials advocating one party/candidate or another if a digital campaign falls outside of domestic legislative control.⁴
- 1.7 Transparency plays two important roles in respect of campaign finance and political finance more generally. First, it incentivises self-restraint through the risk of detection – if inappropriate behaviour is discovered, citizens will think

¹ Fisher, J. (2015) 'Britain's Stop-Go Approach to Party Finance Reform' in Boatright (ed), *The Deregulatory Moment? A Comparative Perspective on Changing Campaign Finance Laws*. Michigan: University of Michigan Press. pp. 152-74.

² Committee on Standards in Public Life (1998) *Fifth Report: The Funding of Political Parties in the United Kingdom*. London: HMSO Cm 4057; Fisher, J. (2009) 'Hayden Phillips and Jack Straw: The Continuation of British Exceptionalism in Party Finance?', *Parliamentary Affairs*. **62** (2): 298-317; Fisher, J. (2015) 'Britain's Stop-Go Approach to Party Finance Reform' in Boatright (ed), *The Deregulatory Moment? A Comparative Perspective on Changing Campaign Finance Laws*. Michigan: University of Michigan Press. pp. 152-74.

³ Fisher, J. (2015) 'Party Finance: The Death of the National Campaign?' *Parliamentary Affairs*, **68** (Suppl 1): 133-153; Fisher, J. (2018) 'Party Finance' *Parliamentary Affairs: Britain Votes 2017*, **71**, (Issue suppl_1): 171-188.

⁴ Fisher, J. (2015) 'Conclusions: Deregulating Party Finance: Is the US an Outlier or a Pioneer?' in Boatright (ed), *The Deregulatory Moment? A Comparative Perspective on Changing Campaign Finance Laws*. Michigan: University of Michigan Press. pp. 220-5.

less highly of a party and may punish them at the ballot box. Second, if operationalised effectively, it informs voters at the political ‘moment’ – when interest is high or during a campaign. Transparency that is operationalised too long after a political ‘moment’ between elections risks voters not noticing the new information, whilst transparency that is operationalised after an election will not have the potential to change voter behaviour – either by rewarding or punishing parties. The check on behaviour would, therefore, be effectively lost until a subsequent election (if voters’ memories were that long).

- 1.8 With these principles in mind, transparency in respect of election campaigns and wider political finance could be enhanced further. Since the introduction of PPERA in 2001, declarations in respect of donations have been made at quarterly intervals, and at weekly ones during the short campaign (post-dissolution). Historically, this presented some challenges in respect of transparency as the donations that impacted most upon the success of a campaign were not made in the final weeks before an election, but in the final twelve to nine months before a campaign due to the lead time associated with various campaign techniques. The growth of digital campaigns, which have a shorter lead time, has meant that there is more relevance to ‘late money’ – donations made in the few weeks before a campaign.⁵ This being so, for the public to be better informed about the funds that are supporting parties’ election campaigns, there is a case for more regular reporting between elections and ‘real time’ reporting during the short campaign to ensure voters are informed about funding – particularly in the last week of the campaign, which is not currently reported upon until after polling day. The same is true for donations made in the final quarter before polling day, where this occurs prior to dissolution.
- 1.9 These enhancements would be easily achievable at national level. At constituency level, however, significant care would need to be taken to ensure that an unreasonable and unsustainable burden was not placed on candidates’ agents – the vast majority of whom are volunteers.⁶

Recommendation 1. Increase the frequency of donation reporting between elections and during the short campaign, introducing ‘real time’ declaration of donations at national level

2. Deterrence

- 2.1 Deterrence is essential with any regulation. Indeed, the best measure of the success of a regulation may not be how many cases have resulted in punishment, but how few times there is any investigation.

⁵ Fisher, J. (2015) ‘Party Finance: The Death of the National Campaign?’ *Parliamentary Affairs*, **68** (Suppl 1): 133-153; Fisher, J. (2018) ‘Party Finance’ *Parliamentary Affairs: Britain Votes 2017*, **71**, (Issue suppl_1): 171–188.

⁶ In the 2015 and 2017 elections, around 90% of election agents of the principal five parties in Great Britain (Conservatives, Labour, Liberal Democrats, Plaid Cymru and Scottish National Party) were volunteers – Fisher, J., Cutts, D. and Fieldhouse, E. *Surveys of Election Agents at the 2015 and 2017 General Elections*

- 2.2 Since the *Political Parties and Elections Act 2009*, there have been two routes in terms of sanction – an Electoral Commission fine or referral to the Crown Prosecution Service.⁷
- 2.3 It is important that the levels of fines available to the Electoral Commission are reviewed regularly, both to ensure that their true value is not eroded by inflation, and that their level cannot be considered as being ‘a cost of business’ by the larger parties.
- 2.4 However, it is also important to recognise that there are legitimate limits that should be set on the value of fines. First, they should not be so large that they effectively prevent a party from operating. This has occurred overseas where the levels of fines have become disproportionate.⁸ Second, it’s important to recognise that the impact of Electoral Commission fines may be electoral (as a result of a reputational damage) as well as financial, and that electoral penalties may be far more serious to a party.
- 2.5 That said, the electorate do not always behave in ways that one may expect in the light of such information. For example, shortly before the 2017 general election, the Crown Prosecution Service concluded that there was sufficient evidence to authorise charges against the Conservative candidate in Thanet South (as well as two other individuals) in respect of alleged breaches related to election expenditure in the 2015 election.⁹ At the 2017 election, however, the candidate was re-elected with a 12.6 percentage point increase in his vote share (and over 6,000 additional votes), achieving more than 50% of the vote.¹⁰ The candidate and his agent were later acquitted.

Recommendation 2. Review the level of fines available to the Electoral Commission and establish a principle of the size of fines relative to party income.

3. Monitoring

- 3.1 There is no question that campaign laws should be subject to regular review (just as with other laws)
- 3.2 However, immediate reform as suggested in the call for evidence, is a wholly unrealistic (and probably undesirable) aspiration. Electoral law must not be subject to the kinds of sudden reforms that could suggest partisan advantage. Part of the reason that PPERA was introduced so successfully was because of cross-part consensus.
- 3.3 The Electoral Commission keeps campaign laws under review, but requires Parliament to act if any change is to be brought about. As a consequence,

⁷ Fisher, J. (2010) ‘Political Parties and Elections Act 2009 c12’ *Current Law Statutes Annotated*, Thompson Reuters. pp. 12-1 – 12-88

⁸ Fisher, J. & Klein, L. (2013) *Party Finance in Georgia. Recommendations for Reform – Final Report*. Report Produced for the Council of Europe.

⁹ The nature of the case reflected a long-standing issue over the relationship between party and candidate electoral expenditure. See Fisher, J. (2018) ‘Party Election Expenditure Election Effects: National vs. District Level and the Regulatory Challenges’ in J. Mendilow & E. Phelippeau (eds) *Handbook of Political Party Funding*. Cheltenham: Edward Elgar. pp. 55-77

¹⁰ Fisher, J. (2018) ‘Party Finance’ *Parliamentary Affairs: Britain Votes 2017*, **71**, (Issue suppl_1): 171–188.

some proposed changes can be delayed or lost due to a lack of parliamentary time or political will.

- 3.4 One possible solution would be to create an election law review unit within an existing department – probably the Ministry of Justice. The unit would need to be permanent and work closely with the Electoral Commission.
- 3.5 The upside of such a proposal is that its proposals would be arguably be less prone to being a victim of parliamentary time or political will – especially if it worked closely with a Select Committee. Such a move would also focus work in this area on a particular Select Committee.
- 3.6 The downside is that it may duplicate the work of the Electoral Commission or threaten its independence. Any threat to the independence of the Electoral Commission would be wholly unacceptable.

Recommendation 3. Consider the establishment of a permanent unit within an existing department to keep electoral law under regular review.

4. Issues Specific to Referendums

- 4.1 The 2016 referendum exposed significant flaws in the legislation on referendums contained within PPERA.
- 4.2 I conducted a study of permitted participants at the 2016 referendum for the Electoral Commission.¹¹ As a result of the study, I would make the following points as they relate to this enquiry.
- 4.3 The spending limits for participants in the referendum were as follows:

Designated Lead Campaigns	£7,000,000
Permitted Participants	£700,000
Non-registered campaigns	£10,000
- 4.4 In addition, political parties could register as referendum campaigners, with their spending limit being a function of their share of the UK vote at the 2015 General Election. Thus:

Greater than 30% share of the vote	£7,000,000
Between 20-30% share of the vote	£5,500,000
Between 10-20% share of the vote	£4,000,000
Between 5-10% share of the vote	£3,000,000
Less than 5% share of the vote	£700,000
- 4.5 In the 2016 referendum, there were 123 registered campaigners, compared with 12 in the AV Referendum of 2011 and 42 in the Scottish Independence Referendum of 2014. Of these, fifteen registered participants spent in excess of £250,000, totalling £9,385,315 (Remain) and £4,744,534 (Leave), in addition to the expenditure of the two designated lead campaigners. In total,

¹¹ Fisher, J. and Rottweiler, B. (2016) *Research among permitted participants at the EU referendum*. Report produced for the Electoral Commission. August 2016. Available at: https://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/214806/Research-among-permitted-participants-at-the-EU-referendum-Final-Report-FINAL-web.pdf

non-designated participants spent £12,542,044 on the Remain side and £6,590,103 on the Leave side. There was, additionally, no limit or effective deadline on the registration of campaigns. Thus, registered campaigns (including the designated lead) could have spent up to £31,000,000 on the Remain side and £21,500,000 on the Leave side.

- 4.6 This raises potentially serious issues. The permissibility of registered participants reflects the reasonable position that campaigners on one side or another may not share similar views. Thus, on the Leave side, there was a particularly wide range of registered campaigners ranging from the political right to the political left.
- 4.7 However, in a referendum with a binary choice, all campaigners on one side desire the same outcome – Yes or No, Remain or Leave etc. With the spending limits for registered participants being so high (at £700,000) it is clear that the spending limits for the designated campaign (at £7 million) are rendered effectively meaningless.
- 4.8 In the case of the EU Referendum, the Remain side was able to spend a further £12.5 million in addition to designated campaign, while non-designated Leave campaigns effectively matched the spending of the designated Remain campaign in addition to the spend of the designated Leave campaign.
- 4.9 Moreover, the lack of an upper limit on the number of registered participants means that in effect there could be a significantly uneven contest between the two sides. Had all registered and designated campaigns spent up to their limit, the Remain side would have been able to spend some £9,500,000 more than the Leave side.
- 4.10 In addition, there are no restrictions on donations to multiple different campaigns on the same side, leading in effect to the potential for donor coordination.
- 4.11 In some ways, the spending limits for non-designated campaigns are analogous to restrictions on third-party campaigns in elections, where in 2017 registered third parties were permitted to spend up to £465,300 in the United Kingdom. This represented 2.4% of the maximum spend of a party contesting all 650 seats. At present, the limit for a non-designated registered campaigner in a referendum is 10% of that of the designated campaign. Consideration should therefore be given to significantly reducing the expenditure limits of both registered and non-registered participants.
- 4.12 One possibility would be to apply the same principle in respect of registered third party campaigns to registered referendum participants. However, 2.4% (£168,000) of the designated campaign spending limit would arguably still be too high, since unlike third-parties in elections, non-designated campaigners in referendums may explicitly and positively advocate the cause (Yes or No, Remain or Leave etc.). That being so, a much more significant reduction would arguably be more appropriate.
- 4.13 Relatedly, the deadline for registering as a participant should be brought forward to much earlier in the controlled period, to prevent to unnecessary proliferation of registered groups. The current permissive approach permits campaigners on each side to register very late and thus affects both the spending capacity on each side and contributes to concerns about the possibilities of donor coordination. This becomes particularly pertinent as electronic campaigning becomes increasing prevalent, since this requires a far shorter lead time than more traditional campaign methods.

- 4.14 A further concern is that the large number of registered participants leads to significant problems with the 'Working Together' rules. Participants in the 2016 referendum reported significant problems in understanding and implementing these rules.¹²
- 4.15 In sum, the rules on spending limits for referendums are not currently fit for purpose, and create the potential for significant inequality in referendum campaigns.

Recommendation 4: The spending limits for registered participants in referendums should be reduced significantly to ensure that the designated campaigns are paramount in any referendum contest.

Recommendation 5: The deadline for registration as a permitted participant in a referendum should take place much earlier, perhaps in advance of the controlled period.

¹² Fisher, J. and Rottweiler, B. (2016) *Research among permitted participants at the EU referendum*. Report produced for the Electoral Commission. August 2016 pp.14-21.

Open Rights Group APPG on Electoral Campaigning Transparency Briefing

This document outlines Open Rights Group's (ORGs) response to the APPG on Election Campaigning Transparency. It addresses the three themes of transparency, deterrence and monitoring.

Transparency

There has been a move by platforms to self regulate, in order to set the terms of regulation.

Facebook in particular has launched Ad Library, a publicly accessible database of targeted political and issue ads. This is particularly significant as whilst many platforms serve targeted political adverts, Facebook is often described as a 'one stop shop' for political ads. It is ground zero for the issues at hand.

Whilst it is early days for transparency in political advertising we do not currently consider the Ad Library to be effective. There are several reasons for this.

Financial Transparency

Ad Library offers a 'disclaimer' on ads. This is supposed to provide information about who has paid for the ad, even if the ad is presented by an innocuous campaign group. It is supposed to operate as a sort of note of the beneficial ownership of an ad **(Appendix Ai)**.

However, this hasn't worked in practice. Rather than identifiable information, you can simply provide the name of the group that serve the ad. Whilst you can provide a name, email, or physical address, it does not appear to be mandatory. If it is, then Facebook are failing to enforce it.

Transparency of Data

Facebook now offer information about how you have been targeted. However, it contains little meaningful detail. Facebook provides data on age range (in clusters of 4-11 years), region (England/ Scotland/ Wales/ Northern Ireland), gender, impressions and spend **(Appendix Aii)**.

However, we know that those who buy Facebook ads have access to a much more granular range of characteristics. In addition, ad buyers can mix their own data sets with Facebook's ('custom audiences') for even more detailed targeting. Open Rights Group has sent Subject Access Requests (SARs) to UK political parties, and is in the process of sending them to selected data brokers.

Transparency Recommendations

Financial transparency

The Electoral Commission should not play a part in deciding what is/is not a political ad, but the process by which platforms currently do so should be opened up to public scrutiny.

Any political or issue ad on must be registered with the Electoral Commission. They should have a record of the contact details for the sponsor of the ad. This should be a process like registering with Companies House, except cheaper and faster.

Watermarks ('disclaimers') should include elements of this information and an easily identifiable click-through to the Electoral Commission database. Elements of this could be augmented /rescinded in the case of political dissidents.

The Electoral Commission database must be user friendly: clear, easy to use and widely available.

Any Ad Library must be regularly reviewed by the Electoral Commission and relevant platform in order to ensure compliance with current and future regulation.

Data transparency

There should be information parity between advertiser and user for political purposes. Users should be able to see exactly what advertisers see in terms of their targeting in an easily accessible and understandable format.

Clear collaboration

Each political actor (including all 3rd parties) registered with the Electoral Commission should have a designated webpage/page on each social media platform that they operate on. This must be clearly labeled.

Each campaign should list its campaigning partners on the page and on its communications. For example, in the case of non party campaigners, you should list lead/minor campaigners somewhere clearly on the page.

This is to be updated regularly and reviewed against a set of criteria by the Election Commission.

Deterrence

We believe there are three main reasons why current electoral regulation is not as effective as it might be with regard to digital campaigning.

1. Regulated period

There is no shelf life on social media posts. Political content can be generated long before the regulated period and linger online. Content created before an election can have a second life during an election (unless they are taken down for breaching community guidelines or similar). In a networked communication environment, it is incredibly difficult to determine if 'shares' are organic or not. The online environment empowers people to participate in this activity and there are very low barriers to entry. A lot of conceptual effort goes into gaming this, encouraging organic sharing, or artificially amplifying support through systems such as botnets. What is good for individual freedom of expression is bad for the concept of a regulated period.

In addition, third party campaign groups and parties can appear and disappear outside the confines of regulated periods.

2. Candidate Spending vs Party spending

Given that social media platforms can target precisely and widely, the line between various candidate/party/local/ national spending limits. has been blurred to the point where they are essentially cosmetic.

Both of these points feed into our central observation: that **the real benefit of digital campaigning is to make campaigning, and campaign spending, more efficient:**

3. Data and Digital is all about making spending more efficient

- 1) The recommendations of the 5th report of the Committee on Standards in Public Life¹ come from an era when mass media advertising was the dominant model. It was assumed that the amount spent on such advertising had a strong proportional relationship to the number of people that saw it. The report gives some ballpark figures for 1997.
- “The (undiscounted) cost of a page in one of the leading national newspapers is anything from £20,000 to £50,000 for each insert.²”
- “A two week nation-wide poster campaign can easily cost £1 million.³”
- Whilst political parties were not even then allowed to purchase TV ad space, they were allowed expenditure on the production etc.

Table 13.1

Expenditure by the main political parties during the 1997 general election

	Conservative	Labour	Liberal Democrat
Newspaper advertising	£3,200,000	£900,000	0
Outdoor advertising	£11,100,000	£4,800,000	£80,000
Other advertising	£100,000	£50,000	0
Party political broadcasts and videos	£500,000	£600,000	£200,000
Total	£14,900,000	£6,350,000	£280,000

4

It is impossible to know or measure how effective political advertising is. But this scattergun, mass media approach aimed to make sure that a party's message reached as many voters as possible, in the hope that by doing so they would reach as many persuadable voters as possible. It also prices in that you pay the people that you are unlikely to persuade or communicate with in a meaningful capacity.

¹ The Fifth Report of the Committee on Standards in Public Life,
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/336870/5thInquiry_FullReport.pdf.

² Ibid, page 173.

³ Ibid, page 173.

⁴ Ibid, page 181.

Digital has made this business model effectively redundant. This is for three reasons.

- a) **The use of personal data and associated services allows you to eliminate those you consider unlikely to vote for you and thus reduce your costs.**
- b) **Factors such as “shareability” and “virality” of content on social media reduces the marginal cost of distribution to zero. (Appendix Bi).** This is particularly relevant for the rules on coordination between third party campaigns, as it may allow such groups to run coordinated campaigns together without breaching spending limits **(Appendix Bii).**

Although there are well defined rules on what constitutes coordinated campaigns, they tend to relate to costs that run into the tens of thousands of pounds. It is now easy to run a wide ranging campaign for far less than this.

- c) Technological innovation driving down production costs: automated content generation, A/B testing, and botnets **all have the potential to drive down labour costs for campaigning.**

What seems clear is that **the location of value for a political campaign has shifted.** It has moved from value = money spent on lengthy appearances in a variety of non broadcast media, to value= data used to create highly personalised digital communications .

This impacts the effectiveness of regulation. For example, data and associated methodologies can be used to drive down spending in many of the categories currently listed by the Electoral Commission, without the cost of the data being declared.

An additional observation is that the unregulated market for political data could usher in a return to the ‘arms race’ seen before the establishment of the Electoral Commission. Currently it seems that some political parties may have an unfair advantage online. In an era when our national politics is ever more heterogeneous in terms of political parties, this feels like a step backwards **(Appendix Biii).**

Deterrence Recommendations:

Data audits:

Data audits are a proposed collaboration between the ICO and the Electoral Commission. Inter agency cooperation should encourage both bodies to more fully carry out their statutory duties without having to resort to regulating speech or the creation of additional statute/ agencies. The ICO are already carrying out audits of political parties so this would be a way to involve the Electoral Commission.

Before the commencement of the regulated period, political actors already covered under the regulation should submit themselves for a 'data audit'. This audit would utilise the expert knowledge of the ICO and Electoral Commission. Audited material includes data assets that have been purchased outside of the regulatory period, but will be used inside the regulated period. This is necessary in part because the process of pricing, acquiring and purchasing data is very murky and unclear, even in a standard commercial environment. In addition, it is likely that some of the most useful granular data may not be purchased⁵ but obtained by other means.

The audit will have three elements:

- a) **Assessing the commercial value of data sets bought and sold before an election, and incorporating that into their spending limits.**
- b) **A legal and ethical audit of data.** Much of the most valuable granular data for targeting purposes (such as that scraped from social media) is obtained at least unethically and potentially unlawful re consent. In addition, apart from labour costs, such data is often essentially 'free'. So there needs to be a way of capturing this.
- c) **The ICO/ Electoral Commission will reserve the right to conduct a 'drug test' audit during the election to see if political actors are doing anything unlawful/unethical/breaching spending limits, providing reasonable suspicion is present.** The ICO must develop a methodology of doing this

⁵ Some fairly complex and recent rules around 'notional spending' do exist. However they rely on the campaigner(s) to navigate them. In addition, some forms of personal data may not have a well established commercial value. Some data intensive targeting methodologies may be developed in house. The use value of data, in terms of money saved/efficiency gained, may be far greater than its commercial or exchange value. It would be more equitable and transparent for regulators to carry out this function. Currently it seems to be a question of capacity, application and enforcement. The Electoral Commission have themselves said that they require assistance on this.

that is efficient, ethical and accountable (likely by comparing against the pre election audit). The public could be consulted on this. Both the ICO and the Electoral Commission already have some powers in this area.

Monitoring

The need to give an opportunity to reform laws immediately and when needed is more problematic. If a new and effective method of campaigning was detected during an electoral cycle, what should happen?

Parliament would be in recess and campaigning would be underway. We must ask: is it appropriate for a reform of the law to be undertaken at that time? Could you even lay a Statutory Instrument or proposed reform without requiring Parliament to be sitting in some form?

If so, who would make that decision? The Minister with the election portfolio? This could allow the Government to make unilateral changes to the rules of campaigning without consulting Parliament.

Monitoring recommendations

The Electoral Commission should establish a digital campaigning / electoral innovations group made up of EC representatives but also external stakeholders and experts.

This group's mandate would be to perform horizon scanning work on emerging campaigning practices and discuss them in the context of existing digital campaigning laws, making recommendations to Parliament if reform is required.

Data protection

Political advertising can be regulated through data protection as well as through transparency and rules about placement.

Data protection gives us the expectation that we agree to the way that our personal data is used ("consent") and that it is used fairly ("fair processing"). It is expected that we give explicit and separate consent for information about political or religious beliefs to be used ("special category data").

It is not obvious that these conditions are met in the current world of online advertising. In particular:

1. While a social media user would agree that their personal data is used to allow that platform to let them be a member, it is not necessary for that personal data to be used for advertising purposes. Normally, a separate purpose requires a separate consent. Whether advertising profiling requires a separate consent is the subject of a legal challenge by NOYB.
2. Online platforms like Facebook allow adverts based on special category data, or by inferring special category data such as religion or political opinion. This ought to require the separate consent of the user; it is unclear why these practices are currently allowed by platforms.
3. In any case, making broad inferences of belief, mood or attempting to manipulate these based on data inferences may cross the line of what constitutes “fair processing”.

While Recital 56 of the General Data Protection Regulation sets out that gathering personal data by political parties in the course of electoral activities for the operation of the democratic system could be permitted on the basis of public interest, the recital also emphasises safeguards.

ORG believes that personal data in this recital should be construed narrowly to only include data held on the electoral register. We question whether the use of commercial data, such as Experian profiles, would fall into the scope of this recital.

Moreover, the recital requires that appropriate safeguards should be established. If the definition of personal data were to be construed widely and include commercial data, then those safeguards need to include the objection to the processing of personal data for political campaigning purposes, allowing individuals to revoke the opportunity for their data to be used in political campaigns.

Unfortunately, many abuses are hard for individuals to detect or complain about. For this reason, we were disappointed that Article 80(2) of GDPR was not activated in UK law. This provision would allow non-profit privacy organisations to make complaints when data protection law appears to be violated without seeking to represent specific individuals directly affected. This is another appropriate safeguard to establish.

Recommendations

Article 80(2) to be transposed into UK law.

ICO Advice to clarify whether and when special category data can be used or inferred

Guidance on fair processing. Multiple stakeholders (EDPSB, academia, lawmakers etc) to help define and clarify.

Appendices

Appendix A:

i) Financial Transparency Examples:


Brexit Defence Force

'Brexit Defence Force' are the declared sponsor of adverts on the "Brexit Votes Matter" community page on Facebook. They have been a subject of controversy since January when the 'Brexit Defence Force' page was taken down by Facebook for breaching its community guidelines. They have since resurfaced however as sponsors of ads on a new page 'Brexit Votes Matter'. Neither Brexit Defence Force nor Brexit Votes Matter are listed on companies house.

Not only is the ultimate identity of the Brexit Defence Force unknown (which renders the Ad Library disclaimer impotent), but a banned group has seemingly been able to easily bypass Facebook moderators.

Ad removed


BREAKING NEWS: TRUMP DEFEATS SADIQ KHAN IN BALLOON WAR



About the disclaimer

When an advertiser categorises their ad as being about social issues, elections or politics, they are required to disclose who paid for the ad. [Learn more](#)

Information from the advertiser



Disclaimer
Brexit Defence Force

England 92%

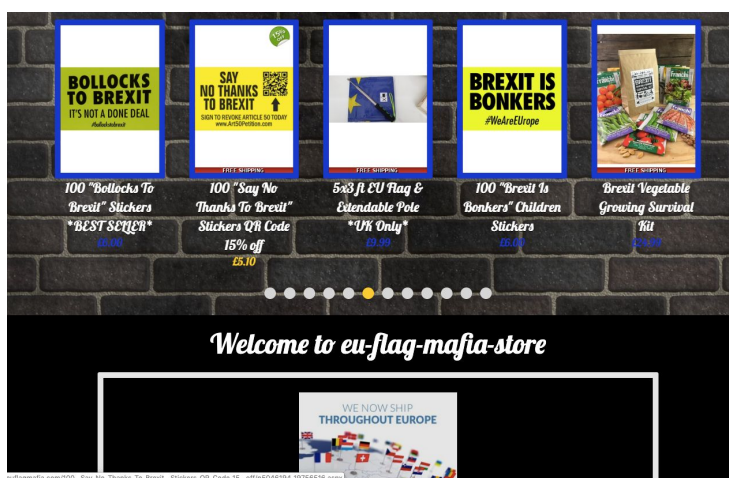
Wales 7%

EU Flag Mafia

EU Flag Mafia are both a community page and the given identity of those who pay for EU Flag Mafia ads. Their presence was relatively limited, mainly encouraging the attendance of an event for which you had to buy tickets.

The EU Flag Mafia website is a commercial website that seems to be capitalising on the 'Remainer' market to sell a variety of products, including the "Brexit Vegetable Growing Survival Kit" for £24.99.

EU Flag Mafia is not listed on Companies House. The name listed under the "contact" section of the website is "P Casso".



ii) Options available to ad buyer , 3 examples:

1. Target specific locations, not just regions:

Locations ⓘ **Everyone in this location** ▼

United Kingdom


- 📍 **Birmingham, England** + 40 km ▼
- 📍 **Glasgow, Scotland** + 40 km ▼
- 📍 **London, England** + 40 km ▼

📍 Include ▼ | | **Browse**

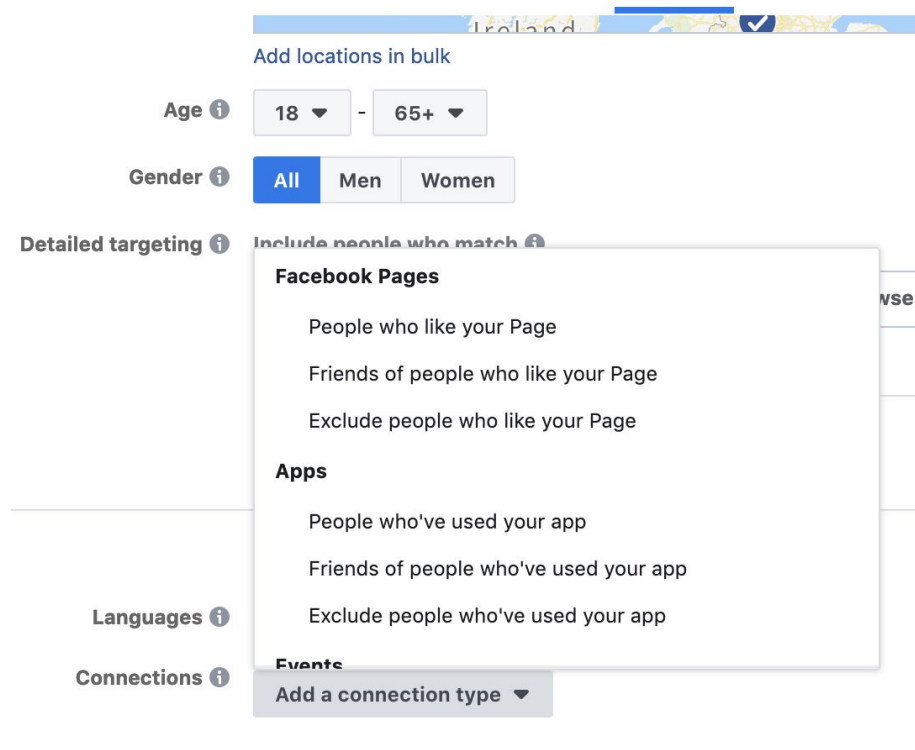
📘

Try adding United Kingdom (all cities) to target all cities in that location. We'll then find the best-performing cities for you automatically. [Add United Kingdom \(all cities\)](#)

×



2. Target based on connections, not just on demographics



Map showing Ireland and United Kingdom. Add locations in bulk

Age *i* 18 ▼ - 65+ ▼

Gender *i* All Men Women

Detailed targeting *i* Include people who match *i*

Facebook Pages

- People who like your Page
- Friends of people who like your Page
- Exclude people who like your Page

Apps

- People who've used your app
- Friends of people who've used your app
- Exclude people who've used your app

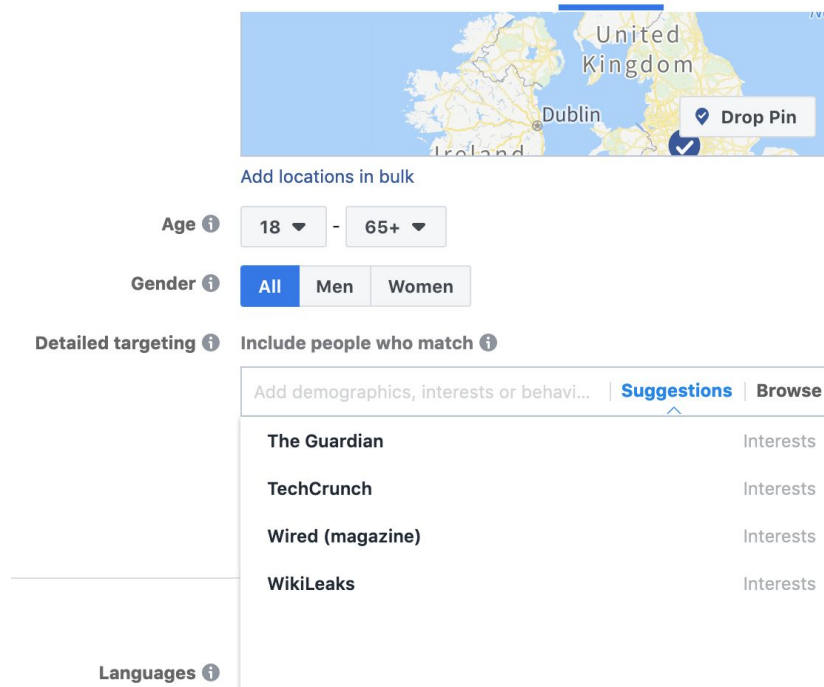
Events

Add a connection type ▼

Languages *i*

Connections *i*

3. Target based on specific interests, not just gender



Map showing United Kingdom and Ireland. Add locations in bulk

Age *i* 18 ▼ - 65+ ▼

Gender *i* All Men Women

Detailed targeting *i* Include people who match *i*

Add demographics, interests or behavi... | **Suggestions** | Browse

- The Guardian Interests
- TechCrunch Interests
- Wired (magazine) Interests
- WikiLeaks Interests

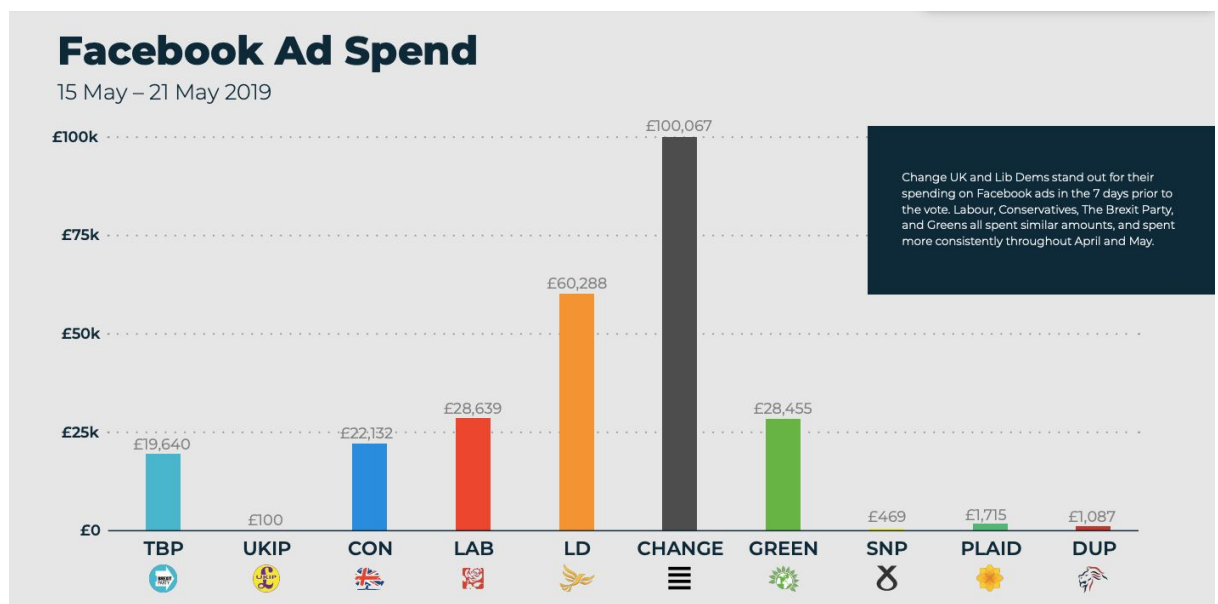
Languages *i*

Appendix B

i) Change UK vs Brexit Party on Facebook

89 UP's report on the 2019 European Parliament elections' digital campaigns⁶ focuses on the fact that the Brexit Party far more successful FB campaign than Change UK, despite only spending 1/5 of the same budget. Why?

- **The Brexit party understood their audience better- possibly through better data analysis and expertise.** It was easier for them to hone their messaging. Presumably there was work done outside of the regulated period. Change UK wouldn't have had that kind of data infrastructure to model the electorate.
- **The Brexit party were far more active -more posts and more shares.** Over the period 5th April - 23rd May 2019 Brexit Party made 212 posts, Change UK made 62. The Brexit Party received 325,900 shares compared to Change UK's 7,200. Over this period on Facebook, the Brexit Party gained 30,200 followers vs Change UK's 3,600.



⁶ 89UP, The European Elections: How the Brexit Party won the online battle in the UK, <https://www.89up.org/sites/default/files/reports/The%20European%20Elections%20How%20The%20Brexit%20Party%20won%20the%20online%20battle%20in%20the%20UK%20f1.pdf>.

ii) Leadership mailing list proxy for Boris Johnson

This would have cost nothing to send to thousands.

Previously this exposure would have necessitated expensive ad buys in national newspapers.

This sets a worrying precedent for future political activity in the UK. Do 3rd party campaign groups share data with major political campaigns?



FOR A FAIRER BRITAIN

Dear Pascal

Thank you so much for your support for my campaign. I am very grateful for everything you did.

I believe that together we left a lasting impact on the Conservative Party Leadership campaign. I ran because of my desire to see bold leadership, fairness and opportunity for all – and to ensure Brexit is delivered by the end of October.

These remain my principles and there are now two remaining candidates in this leadership election.

I am supporting Boris Johnson, because I am confident that he will build a team that delivers Brexit, defeats Corbyn and unites our party and our country.

He represents authentic Conservative values that have been the foundation of our success, and he will enable Britain to move beyond Brexit and secure a brighter future for everyone in the UK.

I would, therefore, urge you to vote for Boris Johnson as our next Leader and Prime Minister to deliver Brexit, get the country moving forward and enable us to defeat Corbyn at the next election.

You can sign up to support the Boris campaign [here](#).

A handwritten signature in black ink, appearing to read "Dominic Raab".

Dominic Raab

Promoted by Sir Henry Bellingham MP on behalf of Dominic Raab MP both of House of Commons, London, SW1A 0AA
To opt out of receiving future emails, please unsubscribe [here](#).

iii) Open Rights Group has submitted Subject Access Requests to Political Parties, parties have a month to reply or face complaint. Here's what we have received so far:

Labour Party: Generic explanation as to why they would not not respond in time

Brexit Party: did not respond so complaint submitted to the ICO

Scottish National Party: No data held on me but they said that was only because I am not on the electoral register in Scotland - presumably they do hold data on people that are.

Change UK: No data held

Green Party: No data held

Conservatives: Did hold Experian Data which had been purchased.

Experian assign a group, type and segment to the population. Groups range from A to O; Types from 1 to 66; Segments from _1 to _238.

This is created from a large number of sources. Most is from Experian's ConsumerView Database. They (Experian) also use the 2011 census. We were assigned "Uptown Elite value - A02_2 ".



All-Party Parliamentary Group on Electoral Campaigning Transparency

Privacy International's submission

26 July 2019

About Privacy International

Privacy International (PI) is a leading charity advocating for strong national, regional, and international laws that protect the right to privacy around the world. Founded in 1990 and based in London, PI challenges overreaching state and corporate surveillance so that people everywhere can have greater security and freedom through greater personal privacy.

Within its range of activities, PI investigates how peoples' personal data is generated and exploited, and how it can be protected through legal and technological frameworks.

PI employs technologists, investigators, policy experts, and lawyers, who work together to understand the technical underpinnings of emerging technology and to consider how existing legal definitions and frameworks map onto such technology.

PI is frequently called upon to give expert evidence to Parliamentary and Governmental committees around the world on privacy issues and has advised, and reported to, among others, the Parliament of the United Kingdom, the Council of Europe, the European Parliament, the Organisation for Economic Co-operation and Development, and the United Nations.

From your/your organisation's perspective, WHAT are the top issues we should be aware of with regard to each of the below: Transparency; deterrence; monitoring

Transparency and monitoring

Privacy International believes that transparency of digital advertising and online political campaigning is fundamental to ensure free and fair elections in the modern age. Political campaigns around the world have turned into sophisticated data operations. The Cambridge Analytica scandal, while not unique, raised awareness about the potential impact of the combination of profiling, micro-targeting and powerful machine learning on electoral processes.

Privacy International has documented how online targeted advertising is facilitated by a complex and opaque ecosystem that includes AdTech companies, data brokers, and other third-party companies that track people on websites and apps and combine this data with offline information. Profiling and data-driven targeting techniques used by the broader digital advertising industry are increasingly deployed in the political campaigning context, with various companies offering specific services tailored to the election context. In the UK, the Information Commissioner's report *Democracy Disrupted*¹ and updates to the DCMS Committee in July² and November³ 2018 reference a number of such companies.

Companies and political parties are subject to the principle of transparency under Article 5 of GDPR and under a duty to provide information to those whose data they process (Article 13 and 14 of GDPR) as well as information as how it has been processed and to provide access to it (Article 15 of GDPR). To date, there is a long way to go in terms of their compliance with these provisions (as Privacy International highlighted in submissions⁴ to the ICO and other data protection authorities about a number of companies in the data broker and ad tech sector). GDPR is only just over a year old and still in the early phases of enforcement. More needs to be done to ensure that all actors pro-actively implement and respect these obligations.

Transparency at every level must be proactive and up to date. Adequate information should be provided to voters explaining why they are receiving a particular message, who is responsible for it, and how they can exercise their rights to protect their data and prevent being targeted. Such transparency should not be limited to advertising, but also include the delivery of other content, such as the methods of curation, filtering, pushing, and recommendation of content.

Transparency to individuals about why they are seeing a particular message must be accompanied by transparency by political parties and campaigns of the tools and services they are using, as well as their messaging. This includes providing much more information on the sources of data, what is being done with that data, who is being targeted with what messages and what companies are being contracted and for what services, such as a campaign software, consultancy services etc.

¹ <https://ico.org.uk/media/action-weve-taken/2259369/democracy-disrupted-110718.pdf>

² <https://ico.org.uk/media/action-weve-taken/2259371/investigation-into-data-analytics-for-political-purposes-update.pdf>

³ <https://ico.org.uk/media/action-weve-taken/2260271/investigation-into-the-use-of-data-analytics-in-political-campaigns-final-20181105.pdf>

⁴ <https://privacyinternational.org/advocacy/2426/our-complaints-against-acxiom-criteo-equifax-experian-oracle-quantcast-tapad>

Political parties and other political actors should, as a minimum:

- ensure that the public can easily recognise political messages and communications as well as the party, foundation or organisation behind them. They should make available on their websites and as part of the communication, information on any targeting criteria used in the dissemination of such communications.
- be transparent as to the third parties they contract with as part of their campaigns both to obtain data and to further process data, including profiling and targeting, such as data brokers and political advertising companies together with those that provide consultancy services and software.

Companies that are hosting or distributing political advertising must, at a minimum, disclose information as to:

- how political advertising and social 'issue-based' advertising is defined;
- number of impressions that an ad received within specific geographic and demographic criteria (e.g. within a political district, in a certain age range), broken down by paid vs. organic reach;
- targeting criteria used by advertisers to design their ad campaign, as well as information about the audience that the ad *actually* reached;
- information about ad spend per political actor;
- information about microtargeting, including whether the ad was a/b tested and the different versions of the ad; if the ad used a lookalike audience; the features (race/ethnicity, gender, geography, etc.) used to create that audience; if the ad was directed at platform-defined user segments or interests, and the segments or interests used; or if the ad was targeted based on a user list the advertiser already possessed.

Recently, a variety of transparency tools have been developed, including extensions which users can add, such as WhoTargetsMe⁵ or recently in Argentina Publi Electoral⁶, and ad archives by major platforms. These responses are important in terms of the information that is provided to individuals and also the information that can be gathered for the purposes of research and scrutiny. The ad archives are a work in progress and there remains much to be done. It is still unclear how they apply across the world and researchers have faced difficulties⁷ despite setting out some steps that could be taken to make the ad archives more effective.⁸

Furthermore, despite political parties and campaigns being required to provide certain information as noted above, privacy policies where at least some level of transparency could be provided without reliance on third parties, also to do not provide enough details. For example, see our analysis of the Conservative party leadership campaign.⁹ Further transparency was also a key part of the EU Code of Practice on Disinformation.¹⁰

⁵ <https://whotargets.me/en/>

⁶ <https://publielectoral.adc.org.ar/>

⁷ <https://blog.mozilla.org/blog/2019/04/29/facebook-ad-archive-api-is-inadequate/>

⁸ <https://blog.mozilla.org/blog/2019/03/27/facebook-and-google-this-is-what-an-effective-ad-archive-api-looks-like/>

⁹ <https://privacyinternational.org/long-read/3019/how-uk-conservative-leadership-race-latest-example-political-data-exploitation>

¹⁰ <https://privacyinternational.org/news-analysis/2824/european-parliament-elections-protecting-our-data-protect-us-against>

Privacy International recommends that the APPG map out such tools and efforts, in consultation with those regulators already considering this issue, including the UK ICO and the Electoral Commission as well as civil society and researchers.

Deterrence

The GDPR and the Data Protection Act 2018 ("DPA") already provide the UK with tools to begin to tackle some of the issues of concern to the APPG. Privacy International encourages measures to support the enforcement of this regulatory regime. In theory, data protection law in the UK strengthens the rights of individuals with regard to the protection of their data, imposes more stringent obligations on those processing personal data, and provides for stronger regulatory enforcement powers. In practice, just over one year on, a lot more still needs to be done and changes are only starting to take place.

Privacy International has identified three main shortcomings related to the deterrence/enforcement legal framework in the UK.

First, the DPA contains exemptions for political parties that threaten to undermine protections. Paragraph 22 of Schedule 1 of the DPA 2018 permits political parties to process personal data "revealing political opinions" without the need for consent.

Privacy International and other organisations expressed serious concerns about this loophole during the drafting the DPA 2018, and we called (so far to no avail) on all main UK political parties to publicly commit not using the exemption provided in the law to target voters - both online and offline - in all local and national forthcoming elections or by-elections.¹¹ A similar provision in the Spanish data protection law has since been declared unconstitutional¹² and another in Romania is the subject of a complaint to the European Commission.¹³

PI recommends that the APPG investigate how and for what purposes political parties in the UK are relying on this provision.

Second, there is a need for collective redress mechanisms that empower civil society, which are currently not envisioned in the law.

Regulatory regimes are stronger and more effective if the ability of individuals to make complaints is supplemented by the ability of civil society acting in the public interest to bring complaints. This is particularly important if complaints are to address and prompt scrutiny of systemic issues, including those that might impact on more than one individual, particular groups, or society as a whole. This is recognised to an extent, for example, in the introduction of Police Super-complaints.¹⁴ This mechanism has been used by Liberty and Southall Black Sisters to challenge Police data sharing for immigration purposes.¹⁵ Such mechanisms are particularly important from a privacy perspective, as privacy invasions are often invisible, harms frequently only happen in the future, and they always affect some

¹¹ <https://privacyinternational.org/press-release/2032/privacy-international-asks-major-uk-political-parties-commit-not-using-legal>

¹² https://www.tribunalconstitucional.es/NotasDePrensaDocumentos/NP_2019_076/Press%20Release%20No.%2076.2019.pdf

¹³ <https://privacyinternational.org/news/2735/romanian-ngo-files-complaint-european-commission-national-implementation-gdpr>

¹⁴ <https://www.gov.uk/government/collections/police-super-complaints>

¹⁵ <https://www.gov.uk/government/publications/police-data-sharing-for-immigration-purposes-a-super-complaint>

people more than others. The need for a form of collective redress and to empower civil society to take action is recognised in Article 80(2) of GDPR. Article 80(2) provides for the ability of "not-for-profit body, organisation or association, which has been properly constituted in accordance with the law of a Member State, has statutory objectives which are in the public interest, and is active in the field of the protection of data subjects' rights and freedoms with regard to the protection of their personal data" to make complaints and seek an effective remedy under GDPR independently of a data subject's mandate. The benefits of such a provision have been explained by the European Data Protection Supervisor¹⁶ and by Privacy International.¹⁷ In spite of this, Article 80(2) of GDPR was not implemented in the DPA. Instead, it will be the subject of a review 30 months from the DPA having come into force (section 189(2)(c) of the DPA).

PI encourages the APPG to consider mechanisms for the introduction of a super complaints or other forms of collective redress (such as in Article 80(2) of GDPR) to enable civil society to tackle systemic issues undermining protections for individuals and society. Any such measure should supplement and bolster, not replace, the ability of individuals to complain and/or to be represented by civil society in complaints. At a minimum, the APPG should engage with the promised review of Article 80(2).

Third, there is a need for joint cooperation and enforcement between regulators.

Threats to the election come from different actors and require both the engagement of multiple regulators as well as coordination among them. This need for coordination in enforcement (and monitoring) was highlighted in measures adopted by the EU in the run up to the 2019 European Parliament elections. The EU demanded measures from European member states, particularly focussing on cooperation between national authorities with competences in electoral matters and authorities in connected fields (such as data protection authorities, media regulators, cyber security authorities etc).

Given the role of personal data, it was considered of particular importance that the data protection authorities collaborate with relevant election authorities both at national and European levels, including in sanctioning infringement of data protection rules where such infringement is linked to political activities by a political party¹⁸ As noted by the European Commission, "it should be possible to impose sanctions on political parties or political foundations that take advantage of infringements of data protection rules with a view to deliberately influencing the outcome of elections to the European Parliament."

For that purpose, a procedure at the European level has been introduced to ensure the sanctioning of actions that not only breach people's privacy but that "could also potentially influence the outcome of elections to the European Parliament". The proposal allows for the sanctions to be imposed by the Authority for European Political Parties and European Political Foundations. They could amount to 5% of the annual budget of the European party or foundation concerned. In addition, the European party or foundation subject to a sanction would not be able to receive funding from the EU budget the following year.

¹⁶ https://edps.europa.eu/press-publications/press-news/blog/civil-society-organisations-natural-allies-data-protection_en

¹⁷ <https://privacyinternational.org/blog/1050/why-we-need-collective-redress-data-protection>

¹⁸ <https://privacyinternational.org/news-analysis/2824/european-parliament-elections-protecting-our-data-protect-us-against>

PI recommends the APPG consider mechanisms to ensure stronger cooperation among regulatory authorities in this field as well as engagement with other regulators and legislatures looking at similar issues around the world.

From your/your organisation's perspective, HOW would you propose dealing with the top issues you raised in each area? Laws, regulations and specific recommendations are appreciated: Transparency; deterrence; monitoring

Our proposals are incorporated into our previous answer addressing the top issues.

If not previously addressed, do you have specific thoughts on the below four proposals?

(1) Provide the Electoral Commission with the resources they need to promptly investigate and prosecute those who break electoral law with specialised electoral offence officers. Fines for electoral offences should be unlimited rather than a maximum of £20,000, which is an insufficient deterrent.

If we look at this issue from a data protection perspective, we can see that a lack of or weak enforcement also creates a culture of non-compliance. The previous maximum fine of £500,000 under the Data Protection Act 1998 did not appear to act as a significant deterrent, as many of the practices which we see today would have fallen short of the DPA 1998's requirements. For this reason, Data Protection Authorities were further empowered under GDPR to fine up to the greater of €20million or 4% of global annual turnover. The Electoral Commission could no doubt benefit from being similarly empowered. However, monetary penalties should not be the only sanction and consideration should be given of what type of behaviour can be prohibited as part of a sanction.

(2) Report campaign spending online. Even candidate campaigns should be required to declare their expenditures online. This includes creating a national database for election spending.

Privacy International supports the proposal to include additional requirements related to expenditures for online campaigning. Political parties and other actors are increasingly using social media platforms and other digital communications means both for targeting potential individual donors (particularly for small donations) and for spending on political advertising.

Campaign financing is notoriously difficult to monitor. Even more, recent and ongoing investigations have shown how the traditional rules of campaign financing fail to regulate and shed a light on these new forms of online fundraising and expenditures. In its 2018 report on online manipulation and personal data, the European Data Protection Supervisor noted that "the reported spending on campaign materials may not provide sufficient details about spending on digital advertising and associated services, e.g. targeted ads on social media, analytics services, creation of voter databases, engagement with data brokers."¹⁹ In this regard we note that the Electoral Commission has also called for changes in the laws to increase transparency for voters in digital campaigning, including on spend.²⁰

¹⁹ https://edps.europa.eu/sites/edp/files/publication/18-03-19_online_manipulation_en.pdf

²⁰ https://www.electoralcommission.org.uk/_data/assets/pdf_file/0010/244594/Digital-campaigning-improving-transparency-for-voters.pdf

Privacy International recommends that campaign finance law require timely online reporting on spending on online campaigning and on the funding obtained online. The information should be sufficiently granular and detailed to promote transparency and accountability. This should include provisions to require political parties and other political actors to make publicly available (e.g. as a minimum, prominently on their websites) information on their expenditure for online activities, including paid online political advertisements and communications. This should include information regarding which third parties, if any, have assisted the political actors with their online activities, including the amount spent on each third parties' services.

To ensure effective monitoring the disclosure of campaign expenditure should be broken down into meaningful categories such as amount spent on types of content on each social media platform, information about the campaign's intended target audience on platforms, as well as actual reached audience. Additionally, the law should require the disclosure of information on groups that support political campaigns, yet are not officially associated with the campaign, and disclosure of campaign expenditure for online activities, including paid online political advertisements and communications.

(4) Ensure parity between political offline and digital advertising in the election period. This includes creating an online repository of all digital ads, enforcing imprints on digital ads and making targeting and financing details less than two clicks away.

One of the current key campaigning safeguards is to ensure that political parties and other contestants have equal and fair access to traditional media and that reporting by publicly owned media is fair and not partisan. The rationale for these obligations (of impartiality, fairness, balance, and equality during elections) is the 'scarcity assumption', i.e. the fact that opportunities to access traditional media are limited. This 'scarcity', it is assumed, would not apply to online media, given the facility and variety of sources of opinions and access to them. However, this assumption does not take into consideration the market concentration in the digital communications field and the way information is distributed and shared by digital platforms (notably search engines and social media platforms, including messaging apps).

A few giant tech companies act as gatekeepers of the digital content which most individuals access online. As noted by the European Data Protection Supervisor, "data analytics could help individuals navigate through the increasingly noisy information environment" but "in effect, the forum for public discourse and the available space for freedom of speech is now bounded by the profit motives of powerful private companies."²¹

In particular, search engines and social media platforms filter the news and opinions users access based on profiling. This goes beyond paid-for targeted advertisements and promotion of content to the way all content is displayed and recommended (for example, the personalisation of Google search results²²; Facebook's newsfeed²³; or YouTube's recommendations.²⁴ These data targeting techniques expose individuals only to selected political messages and political information, directly challenging the assumption that a wide spectrum of opinions and content in the online media is easily available to anyone. Effects like filter bubbles, etc. are direct consequences of such targeting and have significant effects on the formation of political opinions and ultimately on elections.

²¹ https://edps.europa.eu/sites/edp/files/publication/18-03-19_online_manipulation_en.pdf

²² <https://www.google.com/search/howsearchworks/algorithms/>

²³ <https://www.facebook.com/help/1155510281178725>

²⁴ <https://www.nytimes.com/2018/03/10/opinion/sunday/youtube-politics-radical.html>

Privacy International acknowledges that regulating the online space is complex and fraught with risks (including of unduly limiting freedom of expression and of access to information) For these reasons, Privacy International advocates for caution. However, there are some measures, based on existing obligations under data protection law, that require urgent enforcement and would provide some protection. At the very minimum, internet and social media platforms must be transparent about their profiling activities, including for the personalisation of what people see. The use of personal data for profiling must also comply with data protection standards.

Additionally, Privacy International supports the adoption of measures aimed at enhancing transparency in this field (as noted in the previous answer.) Given the difficulties in defining what constitutes political advertising and the many actors involved, effective ads transparency must go beyond just political ads or scrutiny limited to one particular platform. Solutions must enable meaningful transparency for users as well as enable effective scrutiny by researchers and civil society.

The APPG should consider how these challenges might be surmounted, for example with an online repository of all digital ads.

Is there anything else you would like to share with the APPG?

Privacy International has recently published a few briefings related to data and elections which may be of interest to the APPG, including:

- Data Exploitation and Democratic Societies: <https://privacyinternational.org/long-read/2850/data-exploitation-and-democratic-societies>
- Technology, data and elections: A 'checklist' on the election cycle, June 2019: <https://privacyinternational.org/advocacy/3093/technology-data-and-elections-checklist-election-cycle>
- European Parliament elections – protecting our data to protect us against manipulation (<https://privacyinternational.org/news-analysis/2824/european-parliament-elections-protecting-our-data-protect-us-against>)
- Privacy International's Response to the Open Consultation on the Online Harms White Paper: https://privacyinternational.org/sites/default/files/2019-07/Online%20Harms%20Response%20-%20Privacy%20International_0.pdf
- When your data becomes political, video: <https://privacyinternational.org/video/2937/video-your-vote-sale-political-advertisers-think-so>
- Privacy International's Response to the ICO's Call for Views on a Code of Practice for the use of personal information in political campaigns : <https://www.privacyinternational.org/advocacy/2838/pi-response-ico-call-views-code-practice-use-personal-information-political-campaigns>

**Written Evidence to the All-Party Parliamentary Group on Electoral Campaigning
Transparency
Jacob Rowbottom^{1*}**

1. There are a number of proposals that have been put forward by various organisations, which will make a good start in updating the legal framework for election campaigns. Such measures include:

- **Extending the imprint requirements.** Updating the imprint requirements is an obvious move, which has been advocated for a number of years and on which the Government has been consulting.² The challenges for such a measure are practical: such as how to include the details where the communication has limited space; determining (with clarity) which publications are subject to the requirements; and how to monitor compliance.
- **A database of political advertisements.** While the technology firms are implementing publicly accessible libraries of paid advertisements, there is a strong case for regulatory oversight to ensure that the database is mandatory, easily accessible and includes all the relevant information (such as the content of message, the true identity of the person behind the message and the amounts spent).
- **Including more detail in election spending returns,** so that people can see the how the money was spent by parties and other campaigners on digital communications.
- **Updating certain electoral offences** (particularly those that were formulated to address problems in Victorian era campaigns).³

2. Given that such proposals have been widely discussed elsewhere, I do not go into further detail here. Below I outline some further issues to consider. While it may be hoped that there are some quick fixes, it is important not to look at a specific rule in isolation and keep in mind the broader framework regulating political finance. Moreover, while the current concerns about campaigns tend to focus on transparency and targeted advertising, there are some old problems in political finance that remain, and some newer issues that may become more pressing in the future.

3. Before looking at a few specific issues, it worth noting that while transparency is an important part of the framework for election law and often a first step in diagnosing a problem, it does not generate public confidence by itself. By releasing more information, there is a risk that people will simply speculate about the motives of the person financing a campaign. That has been the experience resulting from the disclosure of political donations, which has often fuelled controversy. To some degree, this is unavoidable, but it is important to be realistic about what transparency can achieve.

Political advertisements

4. Rules regulating political advertising are a central component in the legal framework for elections. Much of the current attention is focused on direct paid advertising on the digital

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² Cabinet Office, *Protecting the Debate* (May 2019).

³ See the Law Commission, *Electoral Law: An Interim Report* (2016).

media (as with the database of adverts and the imprint requirements discussed above). That is, of course, just one type of communication that could be subject to regulation. A more challenging issue is where a person is paid to post content on the digital media. In such a case, the message may not be labelled as a sponsored post and would appear to be an individual speaking on his or her own behalf. In the commercial sphere, there are provisions regulating such types of sponsored message (see the Consumer Protection from Unfair Trading Regulations 2008).

5. The Electoral Commission has suggested that such communications could be covered through an extension of the imprint requirements.⁴ However, it is not clear to me whether such an extension would cover social media posts by individuals (and therefore whether it would cover *paid* social media posts). A separate option may be to impose a more general requirement for people to reveal when a political message is sponsored (going beyond election messages). There would be challenges in monitoring compliance with such a rule (though that is true with commercial communications), but such a measure could at least work to reinforce expectations about transparency in political communications.

Political donations

6. Some of the old problems relating to political finance have not gone away. Very large donations are still being made to political parties. Large donations have been the cause of many scandals, and there is every reason to expect the controversy to return in the future. Any major review of political finance will have to revisit this issue.

7. At the other end of the scale, contributions below £500 are disregarded for the purposes of the law regulating political donations⁵ and therefore do not have to be from a permissible donor (as defined under PPERA). There are concerns that the £500 threshold allows political parties to receive foreign donations (which is particularly easy through online appeals for funds). Further research is required to see if this is a significant problem. There are two potential issues. The first is whether there are sufficient safeguards to prevent larger foreign donations being made through an aggregation of multiple contributions of less than £500 (for example by small donations being spread through proxy donors outside of the jurisdiction). The current anti-evasion rules could restrict such a pattern of small donations⁶ and the political party is expected to have some systems in place to minimise the risk of receiving an impermissible donation. However, there could be challenges for either a party or regulator to detect such aggregate payments. The second issue is that even if there is no such aggregation, there can still be concerns if lots of donations of less than £500 are being sought from foreign donors, such that a UK political party could become responsive to overseas interests.

8. The role of company donations is another longstanding issue in relation to political finance and raise the following problems:⁷

⁴ Electoral Commission, *Digital campaigning: Increasing transparency for voters* (2018) p.8.

⁵ PPERA 2000, s.52.

⁶ The Electoral Commission asks to be notified where there is an attempt to evade the rules, see Electoral Commission, *Managing Donations to Political Parties*, p.6.

⁷ See discussion in the Electoral Commission, *A regulatory review of the UK's party and election finance laws* (2013) and Electoral Commission, *Digital campaigning: Increasing transparency for voters* (2018), p.18-19.

- Lack of transparency. While it is possible to find out information about the donating company,⁸ how the company acquired its funds (and from what source) may not be known.
- The company trading in the UK may be owned by a foreign national or company, but will still be a permissible donor. Companies can therefore provide a way for foreign money to finance political parties (which would not be permissible as a direct donation by the individual).
- The threshold to establish that a company is trading in the UK is not high and can lead to a suspicion where the donation exceeds the company's UK profits.
- Using company funds to make a donation may be more tax efficient for the owner than drawing the money out of the company as income to make a donation as an individual.⁹ The owner of a company thereby has a tax advantage which is not available to non-company owning donors.

Third Parties

9. Third party electoral activity is covered by the current regulations on campaign spending and donation disclosure. One of the main challenges in this area lies in defining the scope of regulated third party activity. If drawn too narrowly, then independent organisations will provide a route for political money to avoid election laws. However, extending the reach of third party controls can also generate controversy about the excessive burdening of independent political activity and restricting freedom of expression (reflected in debates surrounding the enactment of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014). There is a delicate balance to be struck between the competing rights and interests.

10. Third party digital campaigning poses some further challenges for a regulator. In particular, a regulator will face difficulties in monitoring all the websites or organisations potentially spending money on election campaigns online. In many cases, the sums spent may be well below the threshold for registration, but it will be difficult to know exactly how much is being spent on electoral activities (particularly where the organisation/publisher uses the same resources on non-electoral communications). Moreover, it may not be clear when a publication engaging in electoral advocacy online should benefit from the media exemption from third party controls.

11. More specifically, there have been some recent concerns about third party political activity outside the context of an election. For example, an organisation may target people on social media urging them to contact an MP about a particular issue. There may be relatively little information about who is behind that campaign. While such activity can be considered as a form of lobbying, it would not be covered under the current rules for the Register of Consultant Lobbyists (which is limited to the direct lobbying of Ministers and Permanent Secretaries).¹⁰ The register does not cover lobbying activities that attempt to mobilise members of the public to contact an office holder. One measure worth further consideration is

⁸ However, there are provisions that aim to prevent a person or organisation being used as front for donations from others, see PPERA 2000, s. 54(6), s.54A and s.61. For provisions requiring a level of transparency from unincorporated associations, see PPERA, Schedule 19A.

⁹ See R. Williams, 'Regulating Political Donations by Companies: Challenges and Misconceptions' (2012) 75 *Modern Law Review* 951.

¹⁰ Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, s.2(3).

whether paid attempts to mobilise the public to write to/apply pressure on an office holder should be disclosed by certain types of organisation. The Canadian Lobbying Act, for example, contains a requirement for the professional lobbyist to disclose details of ‘grass-roots communications’.¹¹ Such a measure would be a substantial expansion of lobbying regulation in the UK and would need to be carefully considered. I offer this as a tentative suggestion to illustrate how some of the current concerns go beyond election campaigns.

Media regulation

12. The regulation of the media has shaped the way elections are conducted in the UK. The ban on political advertising on television and radio has been a key feature that has helped to keep the cost of campaigns down. The regulation of the broadcast media has prevented broadcast licence holders using channels for political advocacy and has aimed to ensure that viewers receive a range of different political viewpoints (although I put to one side the debate about the success of such measures). That framework remains an important part of the system of election communications, which shapes how audience assess and interpret messages received on the digital media.¹²

13. The developments in the digital media are likely to put some aspects of media regulation under strain (and may already be doing so). For example, the UK has long expected the audio-visual media to conform to standards of impartiality. While there is much audio-visual content on the digital media, the closest competitors to traditional television are TV on-demand services. At present the leading on-demand services do not provide news or election coverage, but if they were to provide such content (which could easily be done, especially where the on-demand service has a link with or owns a newspaper) it would have a very wide reach and operate outside of the current impartiality rules. That could change the experience of citizens watching news on television and have a broader effect on the coverage and communication of election messages. There is an important debate about how media regulation should adapt to the online services. I do not advocate a particular extension of the law here, but raise the point to show how changes to the system of election coverage should be the product of policy choice, rather than regulatory inertia.

Platform regulation

14. A final point is whether the technology companies that host user content and enable people to locate content should be subject to specialist regulation in elections. Such regulation is already anticipated in the government’s White Paper.¹³ In addition to the matters discussed above (such as the database of political adverts), there are further options for regulation.

- Certain technology platforms could be required to offer free advertising during an election campaign (to replicate the free mailshot or the access to television), which could go out to a general audience (rather than narrowly targeted to sections of the electorate).

¹¹ Canadian Lobbying Act, s.5(2)(j) and see also the guidance from the Office of the Commissioner of Lobbying of Canada, <<https://lobbycanada.gc.ca/eic/site/012.nsf/eng/00874.html>>.

¹² For discussion in the relation to the USA, see Benkler, Farris and Roberts, *Network Propaganda* (Oxford: Oxford University Press, 2018).

¹³ Department of Digital, Culture, Media and Sport and Home Department, *Online Harms White Paper*.

- Companies could be under a duty to ensure that leading political parties or candidates gain similar prominence in the material promoted under its services (via the relevant algorithms). A search engine could provide links to the leading parties or candidates in response to certain queries during an election campaign (with results clearly identified as ‘public service results’ and separate from ordinary search results). Again, this is not to fix a concrete proposal, but to show that regulation could enhance electoral debate and secure exposure to diverse content.
- The technology companies could be required to provide candidates and parties with access to paid advertising on equal terms and conditions.
- If there are concerns about the ethics of targeted advertising more generally (and I leave this question open), for example in so far as it facilitates duplicity, then regulations could be imposed to restrict the sale of certain types of targeted political advertisements in the period prior to an election.

Written evidence to the APPG on Electoral Campaigning Transparency

Bethany Shiner, Middlesex University, London

This written submission follows on from my oral evidence given 2 July 2019 and includes extracts from my article in *Public Law* 'Big Data, Small Law: How Gaps in Regulation are Affecting Political Campaigning Methods and the Need for Fundamental Reform', April 2019.

Central recommendation

Democracy demands plenty of space for political debate, information sharing, deliberation and opinion forming. Reforms that in any way reduce that space, which is protected by international human rights law, must be avoided. Therefore, reforms should focus not on the content of online political communication but on the method for example by targeting processes like automation on a large scale and or material when the source is unclear or foreign. Regulation must be overseen by a reformed Electoral Commission in close co-operation with the Information Commissioners Office (ICO). To ensure that activist groups that are not associated with registered parties/campaigns and other forms of political communication are not disadvantaged restrictions on methods of political communication must sufficiently clear, accessible and predictable, and proportionate to its aims. There must also be an accessible, independent and affordable process of complaints and appeals.

Overview

Before turning to the 'quick win' reforms proposed by the APPG, I would like to take a step back to contextualise the recent explosion of digital political campaigning methods and the growth of disinformation. This is of serious concern but these methods sit within a political system that has long shown measurable¹ signs of increasing electorate disenfranchisement, dissatisfaction and distrust. We have to trust the electoral process as well as have faith in the electoral outcomes, but also feel that it is worth participating in.

Participants in the Electoral Commission's research on public perceptions of political finance regulations and digital campaigning were worried about foreign interference but also recognised that our own political parties and political candidates use the exact same techniques as foreign states including dark advertisements, dark money, data exploitation for micro-targeting, disinformation, false promises, misleading statements, citing false statistics as well as breaching spending rules.² From this has spawned a huge online influence industry with the space that has opened up between the electorate and its representatives being exploited by companies for profit; by foreign states to destabilise; and, by some of our own political candidates for power.

As such, all reforms must seek to build in basic values to improve the integrity of election campaigns and political communications. These recent methods of political communication

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See

<https://theconversation.com/why-british-people-dont-trust-the-government-any-more-and-what-can-be-done-about-it-89627>; www.newstatesman.com/politics/uk/2019/05/end-trust-our-political-class; www.ipsos.com/ipsos-mori/en-uk/politicians-remain-least-trusted-profession-britain; www.independent.co.uk/news/uk/politics/brexit-poll-uk-public-trust-government-political-parties-bored-hop-e-not-hate-a8751406.html

² GfK and The Electoral Commission, 'Political finance regulation and digital campaigning: a public perspective: UK report for qualitative research findings' April 24, 2018

are deceitful and in response we need to structurally introduce the principles of accountability and transparency in a way that conforms with international human rights law.³ This takes us away from needing to prove whether or not these techniques actually work - which is incredibly difficult to empirically measure.

Taking a principle-based approach to establish more trust in the democratic system better helps us future-proof against the effects of emerging technologies that have the capacity to be even more harmful. Already, our concerns around Facebook risk ignoring the emerging global use of WhatsApp which raises a host of different issues because it is a closed and encrypted network so messages shared on WhatsApp cannot be submitted into a publicly accessible and searchable database of political adverts for scrutiny as easily as Facebook advertisements.⁴ Deep fakes have entered the political realm, blurring what is real and what is doctored causing confusion or belief in something untrue amongst the electorate⁵ and it is not clear how proposed reforms will address these.

There are suggestions that digital strategy firms are deploying tests to detect emotional attachments and values to produce political messages engineered to maximise emotional and psychological impact. As emotion artificial intelligence is developed this is possible and raises more concerns about how the law can preserve political agency.⁶ On the horizon lie technologies that can detect individuals' emotional states through data surveillance and promote large-scale behaviour change interventions through smart-phone prompts⁷ and can read and respond to thoughts.⁸ Experts warn that it will be increasingly possible to stage 'attacks' based on the data analysis of human behaviours, emotions, and beliefs.⁹

We need to prevent the electorate from becoming more disenfranchised through the cementing of cynicism because the content or method of political communication is too often deceptive, inscrutable and manipulative. This could result in an overwhelmed electorate that finds it increasingly difficult to exercise judgement due to the volume of material and the

³ E.g. Article 10 ECHR protects freedom of expression and the International Covenant on Civil and Political Rights protects everyone's right to maintain an opinion without interference and to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media.

⁴ WhatsApp messages have end-to-end encryption and WhatsApp says even it cannot access messages. Note, however, that research has revealed some weaknesses in the system. See A. Griffin "WhatsApp messages can be intercepted by Government or Hackers – But there's an easy way to fix it" (*independent.co.uk*, January 13, 2017) www.independent.co.uk/life-style/gadgets-and-tech/news/whatsapp-update-security-bug-problem-backdoor-guardian-issue-how-to-safe-a7525506.html [Accessed 3 July 2019]; and, G. Zanon "No, end-to-end encryption does not prevent Facebook from accessing WhatsApp chats" (*medium.com*, April 12, 2018) <https://medium.com/@gzanon/no-end-to-end-encryption-does-not-prevent-facebook-from-accessing-whatsapp-chats-d7c6508731b2> [Accessed 3 July 2019]

⁵ Deep fakes are very easy to make, for example via deepfakesapp.online. See the recent example of the deepfake of Nancy Pelosi: 'Doctored Nancy Pelosi video highlights threat of "deepfake" tech' (*cbsnews.com*, May 25, 2019) www.cbsnews.com/news/doctored-nancy-pelosi-video-highlights-threat-of-deepfake-tech-2019-05-25/ [Accessed 3 July 2019]

⁶ L. Goasduff, "Emotion AI Will Personalize Interactions" (Smarter With Gartner, 22 January 2018), www.gartner.com/smarterwithgartner/emotion-ai-will-personalize-interactions/ [Accessed 24 January 2019].

⁷ N. Lathia et al, "Smartphones for Large-scale Behavior Change interventions" (2013) 12(3) IEEE Pervasive Computing 66

⁸ An MIT headset can read and transcribe thoughts (the internal voice) by measuring subtle neuromuscular signals that are triggered when a person verbalises internally. When someone says words inside his or her head, the device matches particular signals to particular words, feeding them into a computer with 92% translation success rate.

⁹ Future of Humanity Institute, "The Malicious Use of Artificial Intelligence: Forecasting, Prevention, and Mitigation" (arxiv.org, February 2018), <https://arxiv.org/ftp/arxiv/papers/1802/1802.07228.pdf> [Accessed 24 January 2019].

inability to differentiate between reliable and unreliable sources. The greatest antidote to this is increased deliberation and participation which need to be built into our political system.

Instead of constructing very specific reforms that address the specific harms witnessed during the UK-EU referendum campaign, we should future-proof by thinking up broader, value-based and adaptable changes to the system that are standard-setting and embody basic principles like reasonableness, fairness and predictability.

The law must not be restrictive or have the effect of curtailing democratic debate but it must create protect the conditions in which democratic debate can flourish. In regards to the spread of disinformation using bots, trolls and amplification we must regulate the method of digital political communication rather than the content of it, as far as it is possible. For example, this could involve requiring bots to be clearly marked as bots and subscribing to the same data protection requirements of consent and purpose minimisation¹⁰ or banning the use of dark advertisements during election campaign periods.

Addressing the specific proposals raised in the APPG briefing

1. *Provide the Electoral Commission with the resources they need to promptly investigate and prosecute those who break electoral law with specialised electoral offence officers. Fines for electoral offences should be unlimited rather than a maximum of £20,000, which is an insufficient deterrent.*

The Electoral Commission itself needs to be completely reformed e.g. that it employs ex-politicians, not lawyers, does not have a specialist technical team and has insufficient resources. The relationship between the Electoral Commission and the ICO should be formalised as many of these issues cross over into the jurisdiction of both regulators; the complex legal framework applicable to micro-targeting, for example, is overlapping provisions in data protection law, direct marketing and electoral law. The Electoral Commission needs the expertise and resources to monitor and investigate contemporary electoral campaign practices. The ICO has benefited from the GDPR and the Data Protection Act 2018 by being given powers that will enable it to respond quickly and effectively to allegations and begin collecting evidence promptly. We need to ensure the Electoral Commission has similar powers and resources and that the law can tackle contemporary electoral practices whilst being flexible enough to anticipate future campaign methods.

As the DCMS has recommended, the Electoral Commission should be able to petition against an election due to illegal actions, which currently can only be brought by an individual.¹¹ A petition to an election court can lead to an election result being overturned on the basis of dishonesty by candidates (as long as that relates to another candidate). But, this does not apply to referendum results even when illegal practices are shown. The proposal to remove the cap on fines to make it unlimited is sensible but I suggest there must be formal guidance on how the Electoral Commission will calculate the fines based on the size of the party or campaign group, the amount spent when electoral law was broken, and other factors such as amount of people affected by the breach.

2. *Report campaign spending online. Even candidate campaigns should be required to declare their expenditures online. This includes creating a national database for election spending.*

Do not see any issues with this beyond ensuring it is not overly burdensome so that smaller political parties are not overwhelmed by this task. It should aim to make it easier for

¹⁰ N. Marechal 'When Bots Tweet: Toward a Normative Framework for Bots on Social Networking Sites' (2016) *International Journal of Communication* 10

¹¹ Digital, Culture, Media and Sport Committee, 'Disinformation and 'fake news': Final Report', Eighth Report of Session 2017-19, HC 1791, Para 214

political parties to track, calculate and declare their spending. There is a need to toughen up the regulation on the different caps in spending in local and national elections to avoid the funnelling of money into swing seats which should fall under local spending but might be paid for out of the national budget.¹²

3. *End financial transfers from the designated campaign. The Electoral Commission's current rules in a referendum allow the designated campaign to give up to £700,000 to groups as long as they don't coordinate their work.*

This seems sensible.

4. *Ensure parity between political offline and digital advertising in the election period. This includes creating an online repository of all digital ads, enforcing imprints on digital ads and making targeting and financing details less than two clicks away.*

Regarding an online repository of all digital ads, in theory this should promote accountability but it must be clarified which types of material will be caught by this requirement. This will be easier to enforce if it only applies to paid ads because there are thousands of non-paid for content shared online everyday like memes and videos some of which is 'organic' content or seemingly so. Even with paid-for ads, will this apply to content funded by registered political parties, candidates and groups only? How will this requirement be monitored and will there be applicable sanctions if the rules are consistently not complied with? There must be mechanisms to ensure that grassroots campaigns and other groups are not disadvantaged by this requirement.¹³ The Electoral Commission has endorsed a social media online database of paid-for political ads, which social media companies already said they would implement,¹⁴ instead of endorsing a more robust idea of creating a central public register of online political ads that would not be left to social media companies.¹⁵ Also, need to be mindful that there could be thousands of ads associated with any one campaign.

The enforcement of imprints on digital ads raises similar complexity in the volume of political content online not all of which is linked to official campaign groups or political parties. Main question is how will it be regulated and enforced. Facebook will not readily accept this burden which may require expensive human moderators to make subjective and contextual judgements calls¹⁶ – or, algorithms which raises issues of wrongly identifying lawful or exempted content as being in breach and therefore breaching the freedom of expression and suppressing authentic voices.¹⁷ As such, the Electoral Commission should enforce this requirement to avoid placing yet more control in the hands of platforms.

¹² Tambini et al, "The new political campaigning" (London School of Economics and Political Science, 2017), LSE Media Policy Project Series, Media Policy Brief 19, p.12, <http://eprints.lse.ac.uk/71945/> [Accessed 24 January 2019]

¹³ Difficulties arise because genuine grassroots groups are undermined by 'astroturfing' which is fake grassroots activity on social media.

¹⁴ Facebook's new view ads mechanism will enable users to view all of the advertiser's material.

¹⁵ Electoral Commission, Digital campaigning: Increasing transparency for voters and Digital, Culture, Media and Sport Committee, Disinformation and "fake news": Interim Report

¹⁶ It is possible Facebook would employ human moderators as it does in Germany in response to the Network Enforcement Act which privatises law enforcement by requiring platforms to decide whether content is illegal and therefore subject to removal. However, the use of algorithms and automation to monitor online activity (referred to as 'automation or algorithmic filtering') is being increasingly used and not without great risk, see the UN Special Rapporteur on Freedom of Expression, David Kaye, 'Content Regulation in the Digital Age', <https://freedex.org/wp-content/blogs.dir/2015/files/2017/09/Concept-Note-Social-Media-Search-and-FOE.pdf> [Accessed 4 July 2019]

¹⁷ US-based academic, Daphne Keller, has written extensively on this point. In response to the EU Commission's Communication on illegal content online, which recommends using filtering technology to moderate online content see D. Keller 'Problems with filters in the European Commission's platforms proposal' (October, 5 2017) <http://cyberlaw.stanford.edu/blog/2017/10/problems-filters-european-commissions-platforms-proposal> [Accessed 9 July 2019]

Further questions to consider in regards to this reform include: will material that does not comply be removed? If so, how will such decisions be appealed or reviewed? Note, that Facebook has proposed an independent oversight board which will deliberate decisions on content removal by its moderators which raises several problems in itself despite seeming to be a commendable attempt at building it independent review.¹⁸ How will material that does not include an imprint be removed considering that it is not possible to delete all traces of a post especially if it gets shared a lot? There are ways around the imprint requirement such as paying people to post messages as ordinary users or by relying on the organic spread of material on social media without paying for it. Also, it must be clear who this requirement applies to so not to disadvantage or chill the work of activists, grassroots movements, small parties and campaign groups. The imprint should include information about the source of funding for the material and who is responsible for the content (so the party as well as any consultancy agency). Also need to be very clear about the material this would apply to – only material published in the regulated period before an election or referendum, or all year round? What about material on specific issues published by activist groups not associated with a party?¹⁹

Targeting and financing details should be accessible and easily digestible to online users and there needs to be a process of ensuring that the information is correct. Facebook has introduced new transparency rules which require that people who manage Pages with large numbers of followers need to be verified to prevent outside people or groups shaping debate on domestic issues. The UK-applicable authorisation process only enables Page administrators to post ads about social issues, elections or politics and their identity must be verified through a two-factor authentication process to demonstrate that the administrator is UK-based by showing UK ID and UK-based residential postal address. Location can also be confirmed by Facebook monitoring the location settings and general Facebook activity.²⁰ This requirement can be circumvented by employing a UK-based individual to act as administrator even if the content is being produced or funded by a third country or group based in another country. In terms of the origin of the adverts, it is very easy to change the location of a Facebook account holder if it is an individual account, IP address or set the VPN to any desired location.

Further Recommendations

Transparency

The DCMS recommended “that the Government launches an independent investigation into past elections—including the UK election of 2017, the UK Referendum of 2016, and the Scottish Referendum of 2014—to explore what actually happened with regard to foreign influence, disinformation, funding, voter manipulation, and the sharing of data, so that appropriate changes to the law can be made and lessons can be learnt for future elections and referenda.”²¹ This should be supported by the APPG who should also push for an independent investigation into past elections. It is inconceivable that the DCMS’s work has unearthed evidence of interference in the UK’s domestic deliberations about something of

¹⁸ B. Harris, ‘Global Feedback and Input on the Facebook Oversight Board for Content Decisions’ (Facebook, June 25, 2019)

https://newsroom-fb-com.cdn.ampproject.org/v/s/newsroom.fb.com/news/2019/06/global-feedback-on-oversight-board/amp/?usqp=mq331AOA&js_v=0.1#referrer=https%3A%2F%2Fwww.google.com&tf=From%20%251%24s [Accessed 9 July 2019]

¹⁹ Some suggestions made by respondents in response to Q27 of the Cabinet Office’s ‘Protecting the Debate: Intimidation, Influence and Information’ Government Response, May 2019 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799873/Protecting-the-Debate-Government-Response-2019.05.01.pdf [Accessed 4 July 2019]

²⁰ www.facebook.com/business/help/208949576550051

²¹ Ibid, footnote 11, Para 273

such constitutional, social, economic and global significance but the Government has refused to further inquire in the absence of proof of that interference having any effect on the outcome even though there is evidence of interference having happened. Whilst understanding the desire to establish stability and not stir further unrest around the Brexit outcome and negotiations, this is an untenable position for the Government to adopt and needs to be challenged.

Close the loophole in the spending limits between local and national election campaigns so that it is not possible for money beyond the stated limits to be poured into marginal seats. This is an unfortunate symptom of the UK's First Past the Post System and until and if it is reformed, can be addressed by better monitoring spending for online campaign material and reporting of spending online which should specify the intended location of campaign material when it is sent by way of custom audience tools or other targeted tools.

The Privacy and Electronic Communications (EC Directive) Regulations 2003 prohibit direct marketing through automated telephone calls, fax, email, text messages and post, unless the receiver has given consent. No provision explicitly applies to social media direct marketing. The law should extend the prohibition to automated direct marketing online unless consent has been given. This will be done *if* the UK enacts the ePrivacy Regulation concerning the respect for private life and the protection of personal data in electronic communications following its departure from the EU because the Regulation will apply to all electronic communications that amount to direct marketing, including targeted advertisements. Also, the right to object to direct marketing applies but individuals should be made aware of this right and how to exercise it at the time consent is sought.

Although the use of big data and profiling is not unlawful, several requirements must be met for the use of data to be lawful, and these requirements become even stricter when the data reveals political opinions because that is sensitive personal data. The ICO's statutory code of conduct on the use of data in politics must make it clear exactly how data can be lawfully used by political parties, campaigns and candidates particularly when information about individuals is inferred based on an analysis of non-sensitive data points. In future, it should be abundantly clear that, for example, the use of smartphone apps to hoover up data²² from the smartphone owner as well as their contact details is unlawful unless consent is gained from each person whose data is accessed and that data protection impact assessments must be provided, that the data is obtained only for one or more specified and lawful purposes and be processed compatibly with those purposes only.

Monitoring

Representatives of online platforms, leading social networks, advertisers and advertising industry have agreed on a self-regulatory Code of Practice to address the spread of online disinformation and fake news across the EU.²³ Further, the ICO, the Electoral Commission and the DCMS agree that social media companies should be urged to introduce transparency features. But, if intermediaries are expected to monitor political content online (to determine what is harmful or illegal, and whether any restrictions are complied with),

²² As seen during the UK-EU referendum campaign: Information Commissioner's Office, Investigation into the use of data analytics in political campaigns: Investigation update; T. Peters, "Brexit? There was an app for that" (Medium.com, 24 June 2016) <https://medium.com/@uCampaignCEO/brexit-there-was-an-app-for-that-57d1d658b4f> [Accessed 24 January 2019].

²³ Code of Practice against Disinformation, 29 January 2019, https://ec.europa.eu/commission/news/code-practice-against-disinformation-2019-jan-29_en [Accessed 9 July 2019]

very careful thought must be given to how this can be done while preserving freedom of speech and not enforcing rules unfairly or in a discriminatory way. It must also be deliberated whether such power should be delegated to technology companies.

The same digital interventions that can be heralded as promoting democratic engagement, such as Facebook's 'Get out the vote' campaigns, can also be used to suppress democratic engagement or shape democratic discourse opaquely. If platforms are expected to self-regulate it could make it more likely they will disrupt political campaigns – as Facebook did during the Irish referendum on the Eighth Amendment when, after public pressure, it blocked ads that originated from outside of Ireland. Although this was a legitimate concern, such an intervention is in the gift of intermediaries that make judgement calls as moderators and are not subject to review in the way an administrative decision would be. Facebook's action in the Irish referendum came late in the campaign cycle and was an unforeseen intervention disadvantaging some campaign groups by disrupting campaign strategies. Interventions like this should be predictable, consistent and transparent. In the absence of a solution which removes these risks dialogue between regulators and intermediaries (politicians/campaigns and social media platforms) on monitoring and regulating online political material must be for the purpose of consultation only. We cannot afford to dilute or compromise electoral integrity according to the desires of private interests and corporate profit.

Social media exposes the rules on political advertising to be inconsistent and inadequate in meeting the stated aim of controlling political advertising. An individual can complain about misleading claims on consumer and Government ads, but political ads complained of being misleading, harmful or offensive cannot be investigated. The content of ads should not be regulated even when containing clearly erroneous information and misleading information on the basis of the necessarily high protection afforded to free speech political speech – although it such content should be monitored by organisations like the Office for National Statistics.

The idea of a code of conduct to establish minimum standards online has recently re-emerged in the Committee on Standards in Public Life review of intimidation in public life;²⁴ the Constitution Society report on data and democracy;²⁵ and, the ICO's report on the use of data in politics.²⁶ It is unclear whether the code would be statutory or not which has implications on what the code should set out. For example, a statutory code on political communication could address the method of communication, so as an example a ban on dark ads and/or micro-targeting during regulated election periods. If there was a ban on certain forms of political communication, thought needs to be given as to how the ban is monitored and enforced, as well as processes of appeal and complaint. I would urge against bans being enforced by platforms such as Facebook as this places more power and control in its hands, not less. If there was to be a non-statutory code of conduct, then it could set out pledges on standards of political communication that address things like misleading content. But, what effect will a non-statutory code have in setting the much higher standards we need to see in political communications? Who will monitor whether the code is followed and

²⁴ Committee on Standards in Public Life, Intimidation in Public Life: A Review by the Committee on Standards in Public Life (TSO, 2017) Cm.9543.

²⁵ J.K. Morrison, R. Naik and S. Hankey, Data and Democracy in the Digital Age (London: The Constitution Society, 2018), <https://consoc.org.uk/wp-content/uploads/2018/07/Stephanie-Hankey-Julianne-Kerr-Morrison-Ravi-Naik-Data-and-Democracy-in-the-Digital-Age.pdf> [Accessed 24 January 2019]

²⁶ Information Commissioner's Office, Democracy disrupted? Personal information and political influence, p.44.

enforce it, and what will the sanctions be? The obvious choice is the Electoral Commission, as long as it is subject to the necessary reforms discussed already.

Deterrence

Being clear on what the values are that we want to imbue within the broader system might help direct our mind when it comes to deciding how to deter. Preventative strategies are best along with effective means of investigating and enforcing sanctions. This means deciding how we monitor and ensuring regulators have enough resources as well as statutory power.

The GDPR introduces more data rights and restrictions on the use of personal data as well as proactive principles and requirements. To enforce standards of data use in political communication we need methods of informing individuals of their rights and how to exercise them. An information campaign could be hosted on social media platforms which clearly informs individuals of their right to consent and explicit consent, right to object and withdraw consent, the requirement for data privacy notices, and how to complain. In this vein Article 80(2) GDPR is currently excluded from the Data Protection Act 2018 even though it provides any body, organisation or association the right to lodge a complaint with the supervisory authority, independent of a data subject's mandate, if data rights may have been infringed as a result of processing. Article 80 GDPR should be incorporated into the Data Protection Act 2018 after the statutory review period (or sooner). This would provide a much more effective mechanism for holding controllers to account, through lodging complaints and seeking judicial remedies and compensation, where individual data subjects may not be able to or may not even know there are grounds to do so.

- Lack of transparency. While it is possible to find out information about the donating company,⁸ how the company acquired its funds (and from what source) may not be known.
- The company trading in the UK may be owned by a foreign national or company, but will still be a permissible donor. Companies can therefore provide a way for foreign money to finance political parties (which would not be permissible as a direct donation by the individual).
- The threshold to establish that a company is trading in the UK is not high and can lead to a suspicion where the donation exceeds the company's UK profits.
- Using company funds to make a donation may be more tax efficient for the owner than drawing the money out of the company as income to make a donation as an individual.⁹ The owner of a company thereby has a tax advantage which is not available to non-company owning donors.

Third Parties

9. Third party electoral activity is covered by the current regulations on campaign spending and donation disclosure. One of the main challenges in this area lies in defining the scope of regulated third party activity. If drawn too narrowly, then independent organisations will provide a route for political money to avoid election laws. However, extending the reach of third party controls can also generate controversy about the excessive burdening of independent political activity and restricting freedom of expression (reflected in debates surrounding the enactment of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014). There is a delicate balance to be struck between the competing rights and interests.

10. Third party digital campaigning poses some further challenges for a regulator. In particular, a regulator will face difficulties in monitoring all the websites or organisations potentially spending money on election campaigns online. In many cases, the sums spent may be well below the threshold for registration, but it will be difficult to know exactly how much is being spent on electoral activities (particularly where the organisation/publisher uses the same resources on non-electoral communications). Moreover, it may not be clear when a publication engaging in electoral advocacy online should benefit from the media exemption from third party controls.

11. More specifically, there have been some recent concerns about third party political activity outside the context of an election. For example, an organisation may target people on social media urging them to contact an MP about a particular issue. There may be relatively little information about who is behind that campaign. While such activity can be considered as a form of lobbying, it would not be covered under the current rules for the Register of Consultant Lobbyists (which is limited to the direct lobbying of Ministers and Permanent Secretaries).¹⁰ The register does not cover lobbying activities that attempt to mobilise members of the public to contact an office holder. One measure worth further consideration is

⁸ However, there are provisions that aim to prevent a person or organisation being used as front for donations from others, see PPERA 2000, s. 54(6), s.54A and s.61. For provisions requiring a level of transparency from unincorporated associations, see PPERA, Schedule 19A.

⁹ See R. Williams, 'Regulating Political Donations by Companies: Challenges and Misconceptions' (2012) 75 *Modern Law Review* 951.

¹⁰ Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, s.2(3).

whether paid attempts to mobilise the public to write to/apply pressure on an office holder should be disclosed by certain types of organisation. The Canadian Lobbying Act, for example, contains a requirement for the professional lobbyist to disclose details of ‘grass-roots communications’.¹¹ Such a measure would be a substantial expansion of lobbying regulation in the UK and would need to be carefully considered. I offer this as a tentative suggestion to illustrate how some of the current concerns go beyond election campaigns.

Media regulation

12. The regulation of the media has shaped the way elections are conducted in the UK. The ban on political advertising on television and radio has been a key feature that has helped to keep the cost of campaigns down. The regulation of the broadcast media has prevented broadcast licence holders using channels for political advocacy and has aimed to ensure that viewers receive a range of different political viewpoints (although I put to one side the debate about the success of such measures). That framework remains an important part of the system of election communications, which shapes how audience assess and interpret messages received on the digital media.¹²

13. The developments in the digital media are likely to put some aspects of media regulation under strain (and may already be doing so). For example, the UK has long expected the audio-visual media to conform to standards of impartiality. While there is much audio-visual content on the digital media, the closest competitors to traditional television are TV on-demand services. At present the leading on-demand services do not provide news or election coverage, but if they were to provide such content (which could easily be done, especially where the on-demand service has a link with or owns a newspaper) it would have a very wide reach and operate outside of the current impartiality rules. That could change the experience of citizens watching news on television and have a broader effect on the coverage and communication of election messages. There is an important debate about how media regulation should adapt to the online services. I do not advocate a particular extension of the law here, but raise the point to show how changes to the system of election coverage should be the product of policy choice, rather than regulatory inertia.

Platform regulation

14. A final point is whether the technology companies that host user content and enable people to locate content should be subject to specialist regulation in elections. Such regulation is already anticipated in the government’s White Paper.¹³ In addition to the matters discussed above (such as the database of political adverts), there are further options for regulation.

- Certain technology platforms could be required to offer free advertising during an election campaign (to replicate the free mailshot or the access to television), which could go out to a general audience (rather than narrowly targeted to sections of the electorate).

¹¹ Canadian Lobbying Act, s.5(2)(j) and see also the guidance from the Office of the Commissioner of Lobbying of Canada, <<https://lobbycanada.gc.ca/eic/site/012.nsf/eng/00874.html>>.

¹² For discussion in the relation to the USA, see Benkler, Farris and Roberts, *Network Propaganda* (Oxford: Oxford University Press, 2018).

¹³ Department of Digital, Culture, Media and Sport and Home Department, *Online Harms White Paper*.

- Companies could be under a duty to ensure that leading political parties or candidates gain similar prominence in the material promoted under its services (via the relevant algorithms). A search engine could provide links to the leading parties or candidates in response to certain queries during an election campaign (with results clearly identified as ‘public service results’ and separate from ordinary search results). Again, this is not to fix a concrete proposal, but to show that regulation could enhance electoral debate and secure exposure to diverse content.
- The technology companies could be required to provide candidates and parties with access to paid advertising on equal terms and conditions.
- If there are concerns about the ethics of targeted advertising more generally (and I leave this question open), for example in so far as it facilitates duplicity, then regulations could be imposed to restrict the sale of certain types of targeted political advertisements in the period prior to an election.



About Who Targets Me

Who Targets Me is a citizen-led research and activism project studying political advertising on social media. We were founded during the 2017 General Election campaign to monitor the use of online political ads in real time and discuss their meaning, both political and, more broadly, for British democracy. As part of our work, we have built tools to try and exemplify the levels of transparency that platforms should provide and voters deserve.

In our submission we provide a blueprint for a system of transparency for political advertising online, which would create a trustworthy political environment for the average voter. To this end we set out firstly, how to set a clear, public standard for transparency, secondly, how to monitor adherence to this standard and thirdly measures to deter violations of this standard. Central to our blueprint is a well resourced regulator operating with a mindset which takes account of technological developments in campaigning and approaches them using adversarial methods.

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Summary

- **Political online advertising** can be a positive part of the political process by helping users connect with parties that speak to their political views and encourage them to participate in the democratic process. Currently however it is damaging to democracy, because it threatens to split political debate and polarise politics further.
- We need a **transparency standard**, that is developed as a set of public, democratically created rules and enforced by an independent regulator, not by private companies.
- We propose making the effect a given use of ads has on the **overall functioning of democracy**, measured by how it affects the level of information and confidence voters have in that process.
- To ensure that advertising contributes positively to the democratic process, transparency needs to become a feature of the entire ecosystem, from the the **messages**, the **messengers** behind them, their **funding** and what **targeting** they use.
- To make ads more transparent, they should be **clearly marked as political**, paid advertising when shows to users and combined with easy access to further information. Ads should furthermore be collected in a **central, publicly run repository** which provides a comprehensive overview over all ads run within a campaign.
- Regulating political advertising online involves clarifying the role of different stakeholders.
 - **Political parties**: Regulation should enable parties to use the possibilities of targeting to convince voters of their policies and candidates, instead of competing on technical skill of targeting tiny subsets of the electorate.
 - **Tech platforms**: The responsibility of the corporations behind online platforms need to be redefined taking account of their power to shape public opinion. They should be more open about how advertising on their platform works and work with regulators to report likely violations.
 - **The regulator**: An independent, public regulator needs to build the capacity to understand political advertising and spot violations, be able to intervene in running campaigns and punish offending campaigners severely in order to deter manipulation of the electoral process.
 - **The public**: Citizens are not just passive recipients of electoral transparency, they should be at the heart of setting the norms and rules for campaigns.

1. Introduction & Rationale

Political advertising on the internet, and particularly on the big social media platforms, is rapidly growing in scale and sophistication. What was a novelty a decade ago is now a primary campaign technique, with the largest parties spending millions of pounds to buy hundreds of millions of impressions of ads in the final weeks of each election campaign. Furthermore, these techniques are available to anyone, from a local candidate running for a council seat, to a global power working to sow discord.

A regulatory solution must therefore work to ensure that voters and regulators, along with journalists and researchers - all of whom contribute to a vibrant democracy - can straightforwardly distinguish between a genuine campaign behaving legally and one that is concealing its origin and evading scrutiny. We believe the founding principles of this distinction are that online political ads must be trustworthy and transparent.

Our guiding ideal is that voters should be able to trust political advertisements they see online and spot problematic ones, without acquiring special knowledge or making unreasonable effort. Our approach is to introduce radical transparency to online political advertising.

1.1. Rationale for introducing radical transparency:

We argue that the public perception of harm to democracy is a harm in itself. A democracy that is seen to be damaged is one that is less trusted, is weaker, and therefore serves citizens worse. One important way political advertisement online harms democracy is the fracturing of public debate. Targeted ads allow parties to aim specific messages at narrow audiences to attract their votes, without the risk of other groups who reject that message being dissuaded from supporting those parties.

Increasing political campaign transparency is an urgent task. The lack of a general standard allows certain actors to campaign outside of what most citizens would accept as reasonable democratic practice and makes it harder to stop or even fully gauge such behaviour. One example are ads explicitly targeted at attacking political opponents' record or past statements, often in well produced videos. Such specific, direct attack ads are relatively new to the UK political landscape and they can be used much more effectively in combination with precise targeting.

This challenge becomes more urgent as more resources are dedicated to new, data-driven methods of campaigning and as technology progresses, adding, for example, advanced tracking of citizens and their political views, better analytics and tools to influence public opinion to the existing possibilities.

Establishing robust standards could instead allow us to reap the benefits of targeted advertising for democracy. The technology can help inform voters about key issues they care about and relevant policy proposals for tackling them. Done well, it could even be more transparent than traditional campaigning, making it easier to scrutinise the messages campaigners and parties use with different audiences.

Furthermore, an early, successful UK standard could set an example for other democracies which upholds important democratic standards of free and open debate, stopping abuse without curtailing legitimate political speech. It could either inspire similar steps in other jurisdictions, or be directly linked up with international efforts to enhance transparency.

2. Radical Transparency Standard: Our proposal

We believe a public standard for transparent political advertising is needed, because without it the rules for online advertising will be set by the corporations running internet platforms. Corporate self-regulation has not been successful, as scandals involving the misuse of data and spread of disinformation on major social media platforms, most notably surrounding Facebook with regard to Cambridge Analytica, show.

Beyond that we believe that structural reasons make corporate standards less effective at protecting democracy:

1. Internet platforms are profit-oriented, which will incline and sometimes compel them to maximise profit for owners, even when this is detrimental to democracy. These incentives can overlap, for example when firms suffer reputational damage which endangers their business model. However, they do not necessarily align and will be weaker than those of an independent regulator.
2. Even with the best intentions, private actors might miss crucial risks, due to the limited perspective and viewpoints of those steering corporate policy. For example, consider Mark Zuckerberg dismissing the idea of Facebook influencing the elections as “pretty crazy”¹ or the highly homogenous makeup of the tech firms workforce: Both suggest that companies like Facebook might fail to anticipate larger structural problems or issues that affect those underrepresented in their own workforce disproportionately.
3. Lastly, even a *good* corporate policy is less reliable when it comes to reporting and enforcement than binding, democratically legitimised rules. Firstly, company policies can be changed quickly and without public involvement. Indeed, companies might face strong pressure to, for example, drop costly transparency measures if they need to cut costs. Secondly, even while rules are in place, violations or failings will not always become public: they might be downplayed or hidden to avoid reputational damage. In contrast, such obfuscation would be much harder if a powerful regulator was enforcing a binding set of standards.

¹ Zuckerberg: the idea that fake news on Facebook influenced the election is ‘crazy’. (2016). The Verge. <https://www.theverge.com/2016/11/10/13594558/mark-zuckerberg-election-fake-news-trump>

Consider for example the reluctance of Facebook to agree to share any data on its platforms and the allegations by projects similar to Who Targets Me that the platform had intentionally altered its code to make it harder to scrape data on ads from the platform². Furthermore the Facebook Ad Library is a step in the right direction, but still provides limited data for money spent on specific ads and by specific advertisers and often provides patchy or unclear information.

2.1. Democratically beneficial political advertising

We believe that online political advertising on the internet can be beneficial to the democratic process and should not face an outright ban. Political advertising can add an important information source for citizens and online ads can even encourage voters to seek out further information on the campaign³. Rather there should be a democratic judgement about what citizens are willing to accept and what they are not. We therefore propose the following the following test:

Test: Does a proposed advertising practice improve the political process for voters?

- I. Does it improve how informed voters are about their political choices?
- II. Can voters be confident that they understand:
 - A. The message of any given ad?
 - B. Who is behind it?
 - C. Who paid for it?
 - D. Why they are seeing it?
- III. Can voters trust that violations of electoral and data protection law will be detected and punished?

This test should be developed further, especially with regard to what acceptable levels of understanding are and how to reach them, by involving the public (see section 4.4.). The final version should be understood as a living document, which is periodically reviewed and updated to react to technical, social and political developments.

2.2. Systemic Transparency

In order to be effective, radical transparency needs to become a feature of the political system, rather than something that is selectively applied to individual platforms or stakeholders. To see why, recall our guiding ideal: voters should be able to understand and trust the electoral process and the ads they see, without having to go to extraordinary

² Ad Tool Facebook Built to Fight Disinformation Doesn't Work as Advertised. (2019). Nytimes.com. <https://www.nytimes.com/2019/07/25/technology/facebook-ad-library.html>

³ Housholder et al. (2018) Does Political Advertising Lead to Online Information Seeking? A Real-World Test Using Google Search Data, Journal of Broadcasting & Electronic Media, 62:2, 337-353, DOI: 10.1080/08838151.2018.1451854

lengths in deciphering subtle details of advertising design, targeting and financing. It is important that voters seek out information and acquire media literacy, but neither will be sufficient unless the political system is overall trustworthy. This is especially important, as it is not realistic to expect that all or even most citizens will have the time or ability to critically scrutinise every ad and political communication they receive – especially given that there is currently very little to stop political campaigners from crafting messages and content likely to lead recipients into a particular direction.

Ultimately, how much burden can be placed on individuals should be evaluated by involving citizens in discussions and finding out both where they consider acceptable levels of transparency to lie and how they ‘read’ political ads online: Systemic transparency involves understanding the **message**, the **messenger** behind it, their **funding** and what **targeting** they use.

2.3 Trade-offs

Before proposing specific measures to monitor and track political advertising, we want to highlight some important tradeoffs which need to be resolved.

Cost: Any regulation that requires campaigners and platforms to share additional information or adhere to restrictions is likely to impose costs on them. This could both suppress the ability of less well resourced interest groups to share their views and campaign as well as distort the market for advertising towards larger platforms, who will find it easier to comply. To counter such effects, we support a proportional approach to transparency requirements, which allows very small advertisers and campaigners exemptions and then rises proportionately with their reach/user base, resources and real-world impact. Additionally, as suggested by the Home Office/DCMS White Paper on Online Harms⁴, smaller players could receive support in the form of technical solutions and advice making it easier for them to comply with regulations.

Legitimate anonymity: While transparency is a systemic good and necessary for the political system to work and detect abuses, we recognise that some individuals and groups will be deterred from campaigning on or voicing support for sensitive issues, including sexual orientation or matters of belief. We consider it desirable to enable such parties to stay anonymous, but would want to see enough friction in getting such status to deter misuse of this category. One such solution could be an application process to a public regulator or advisory body, which would grant exemptions by weighing the benefit of a given applicant being able to take part in the political debate with the cost of reducing transparency. Again, better resourced campaigns should face a proportionally higher bar for being allowed to remain anonymous.

⁴ Department for Digital, Culture, Media & Sport, Home Office, Online Harms White Paper, Chapter 8, <https://www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper#technology-as-part-of-the-solution-1>

Free expression: There is justified uneasiness about regulating speech online, which arise in the context of tackling problems like disinformation. However, in the case of the electoral system, campaign law and advertising rules, speech is already heavily regulated and circumscribed. Political advertisement is regulated by strict rules in both content and form: certain media, like TV, are entirely off-limits and there are conditions for running political ads. Furthermore, we focus on making advertising transparent and advocate few restrictions on the ads themselves, which are content-agnostic and focus instead of the form and intended effect of ads, such as those that attempt overtly or implicitly to discourage people from voting (see part 3).

3. Monitoring: Creating practical transparency

Ads which target specific groups with appealing messages but are not visible to the rest of the electorate damage the political process by undermining a common basis for political debate and choice. To create systematic transparency, we propose i) making ads more easily readable and ii) creating a public register of ads. These tools would provide more information, but beyond these practical measures, we want to encourage a democratic debate about what kind of questions citizens should be able to answer about our political process.

Ad imprints

As discussed above, anybody seeing a political ad should be able to figure out why they are seeing it and have easy access to information about those behind it.

With regards to the messages themselves, every ad should visually stand out as a political ad, both from other content on the platform and commercial advertising.

Furthermore it should be very easy to gain further information about who the message is from, how it was paid for and why the recipient is being targeted. Currently especially the last aspect is inadequate and varies greatly between platforms. While some platforms do display information about the party running an ad, it usually does not explain well why it is being shown to some people but not others and others make no such information available.

Ad library/registry: Clearly marking individual ads and providing information is important for providing information to citizens, but is not enough to create systematic transparency. The same information about messages, messengers, funding and targeting should be available to regulators, journalists, researchers and concerned citizens. They need to be able to gain an understanding of all ads running during a specific period of time or election, locally and nationally, across different platforms, as well as aggregating this information by advertiser, funder or cause. Currently data on advertising is provided by two types of sources: organisations such as Who Targets Me who collect ad data from volunteers and make it available for research and some of the platforms themselves, most notably Facebook, who provide some information in their Facebook Ad Library⁵ and Facebook Ad Library Report⁶.

⁵ Facebook Ad Library <https://www.facebook.com/ads/library>

⁶ Facebook Ad Library Report <https://www.facebook.com/ads/library/report>

This public repository or database should contain the following metrics, displayed in or close to real-time and available freely:

- **Message:** Full text of ads, links to them which make it easier to investigate, for example reactions to it and social shares
 - Times an ad was displayed, how many individuals saw it, engagement with the ad/clickthrough
- **Messenger:** Identity of advertisers, with name UK individuals as well as all the ads they ran.
- **Funding/Spending:** Amounts spend on pages and by certain funders and the source of that money
- **Targeting:** What features (demographics, personal characteristics, locations etc.) are and were used to target ads, as well as custom or lookalike audiences?

In recognition of the cost involved with ensuring this transparency, it would be possible to introduce different tiers of transparency, mandating higher levels of disclosure for political parties and campaigns directly pushing for the election of specific candidates and less stringent requirements for general campaigners on political issues.

This platform should not be run or designed by the platforms. As we explained in section 1., private companies face very different incentive structures and can not be relied on to maintain transparency enhancing methods or publish comprehensive data in the most useful format. Therefore access to live data and archived information should be independent of private companies policies' or their fortunes. Furthermore, a public database should aggregate data from different platforms, allowing scrutiny of an entire campaign or all ads bought around an issue, rather than just those running on particular platforms. This aggregation of different sources of data presents technical challenges, but has the additional benefit of preparing society for future online advertising methods.

Ideally such a platform would exist across countries as well as across platforms. This could make patterns of influence visible, both with respect to learnings from one country being applied to others, but also suspicious patterns such as external donors supporting political movements in different European countries.

4. Deterrence: Compliance standards for different stakeholders

The transparency standard we described above sets out an ideal for the type of information citizens need to have for democracy to continue functioning and what role we want online advertising to play in our politics. In section 2 we set out how these requirements for transparency can be translated into practical measures to make clear who is behind ads and make the entire system more trustworthy. Lastly we want to outline how regulations can enforce this transparency by i) defining the position of stakeholders in the online advertising ecosystem and ii) ensuring these stakeholders follow the rules.

Because the technology is relatively new and its widespread use in politics even newer, there are no explicit rules for political advertising on platforms such as Facebook, Twitter or Google Ads. To be effective, regulation needs to clearly define the obligations for different stakeholders, most notable advertisers (that is, political parties and campaigners), platforms and the regulators overseeing this space.

4.1. Political campaigners

Political campaigners, whether they are parties or groups supporting them or political policies should aim to win over voters by winning the political argument and convincing them of their plans and candidates. Targeted advertising can be a part of the effort to make citizens aware of, say, their campaign's promises or the merits of a candidate. They should not compete on who can most finely slice the electorate into sub-groups and present the most flattering image of their party to them or most successfully acquire data to target potential voters.

What counts as acceptable practice in political advertising should be itself the result of democratic decisions taken by elected officials based on the test proposed above. For example, party A targeting supporters of party B with ads highlighting the discrepancy between previous promises and actual voting record of its MP can be useful information for such voters, but could also be seen as purely negative voter suppression.

Regulation could not only limit uses of such tools citizens consider unacceptable, but also promote a more positive, constructive political sphere directly: Targeted ads allow parties to present extreme or populist messages to voters who like them, without suffering consequences from other groups. This is likely to make politics more extreme, as parties not so much compete but instead split the population in totally different audiences. Over time these could grow smaller and smaller, until theoretically parties could target neighbourhoods or streets with custom messages. Such fragmentation undercuts the idea of a community or demos which forms the basis of a working democracy and healthy public debate.

Beyond that campaigners should have to register at lower spending limits than is currently the case: The Electoral Commission requires individuals to register if they plan to spend over £20,000, which can buy a significant volume of ads on a platform such as Facebook without much accountability.

4.2. Technology platforms

The technology platforms running social networking websites have become essential fora for political debate and campaigning, but are in many ways neither designed nor equipped to host it. They have taken great care to defend their status as neutral platforms which do not create their own content and do not take substantive positions on political issues, instead relying on community standards as a basis for content moderation. These efforts have been stepped up recently, partly as a response to growing dissatisfaction with the prevalence of disinformation on social media platforms. In an effort to curb harmful and offensive content, firms have taken more decisions about what speech they will allow. While an active stance

towards clearly unacceptable content is welcome, many worry about private companies wielding the power to effectively decide what speech is allowed to be part of the conversation. Some companies have responded to these concerns by appointing independent bodies to oversee their policies⁷ called for greater regulation⁸ or started formally cooperating with regulators and governments.

Such steps towards more accountability are welcome, but the quality and integrity of the political system should not rely on tech firms making the right decisions. On practical terms, platforms running political ads should disclose them publicly as explained in section 3., as well as flagging them clearly when showing them to users. Tech platforms should also be more open about their work with political campaigns. This practice is prevalent in the USA, where campaigns spend large sums of money and it makes business sense for platforms to dedicate staff to helping their clients use their advertising potential effectively. As online advertising attracts more and more resources, this model could spread and it should do so transparently. Legislation could regulate such cooperation, for example by classifying any advice as campaign donations, subject to disclosure rules and spending limits. It could also enforce alternative models, for example by banning all cooperation during the campaign, limiting any help to an open Q&A session, which all registered campaigners could attend and use to ask any question they want. In such a format all questions and answers would be available to all campaigners, reducing undue advantage. They could also be made public.

When tech firms become aware of wrongdoing or violations of (electoral) laws, they should notify the authorities and their users who were shown the material in question. This would not only support public trust that breaches when they happen will be brought to light, but also provide a powerful incentive for social media firms to avoid becoming a conduit for questionable electoral tactics.

Beyond that there should be a broader debate about the status these platforms have and the responsibilities they should take on, which goes beyond electoral transparency, touching on the immense power of these companies to dominate their corners of the internet and impose their rules on users and society.

4.3. Regulator

Online political advertising requires dedicated attention from an existing or new regulator. This agency needs the power to enforce the standards laid out above and adapt them as circumstances change. To that end, it needs to be independent, both of industry and of

⁷ Facebook's content oversight board plan is raising more questions than it answers. (2019). TechCrunch.

<https://techcrunch.com/2019/06/28/facebooks-content-oversight-board-plan-is-raising-more-questions-than-it-answers/>

⁸ Facebook's Zuckerberg Calls for Global Internet Regulations. (2019). Bloomberg.com.

<https://www.bloomberg.com/news/articles/2019-03-30/facebook-s-zuckerberg-calls-for-new-global-internet-regulations>

government, as both advertising platforms and political parties have vested interests in being able to sell, buy and run advertising. It would have three main areas of responsibility:

1. Build capacity and understanding of the advertising landscape. This is a condition for successfully intervening in this space. We highlight it here, because this space is constantly evolving at a rapid pace. Both technical capabilities for data collection, analysis and targeting citizens and the political machinery making use of them are developing rapidly. This means that the regulator needs to be able to produce recommendations to update the regulations covering political ads. However it also needs to accept that change will happen faster than such adjustment can be made.

Therefore the regulator needs to take steps anticipating that the rules will be bent as well as broken, as campaigners try to find ways to keep within the letter of the law without limiting their impact. We therefore suggest that any regulator tasked with overseeing the online political ad space adopt an adversarial mindset, starting from the assumption that its rules will be tested.

To this end it needs to stay keenly aware of i) techniques used in political systems all over the world, especially in places known for political innovation, such as the USA and ii) techniques used in commercial advertising, such as advanced targeting or data collection. Furthermore we suggest using (cyber)security methods such as red-teaming, in which an independent group within the regulatory agency is tasked with devising ways of circumventing its restrictions. Much like such exercises in military, intelligence or cybersecurity context, this could reveal weaknesses in the regulators' ability to detect and deter breaches threatening democracy.

2. Detecting violations: Based on its knowledge of the space, the regulators most important task is to detect violations of transparency standards and wider electoral law connected to online ads. The guiding ideal here remains a situation in which citizens can broadly trust the ads they see and turn to an independent party when they are suspicious that rules are being broken.

This includes detecting ways to bypass restrictions such as spending limits by coordinating ad-buying or sharing data and other assets. One route to doing this would be to analyse ads on a given topic, searching for patterns in messaging or in the demographics targeted.

The regulator should aim to track campaigns as they happen, using both the real-time information provided by platforms and its capabilities for looking for irregularities in those data, but also the investigative ability described above. The regulator should furthermore give citizens the ability to report ads that they are suspicious of directly. We recognise that this will likely create a high workload, but it could be invaluable both to detecting ads which contravene regulations. When this happens, the regulator should have the power to take ads offline quickly, publicise any misdoing, suspend the offending parties from running further ads during the campaign or issue fines as appropriate. This would immediately stop any distortions

detected and furthermore provide deter campaigners and platforms from running the ads in the first place.

3. Deterring: The regulator should apply its powers to stop and punish violations as set out above and thereby deter parties from running illicit ads in the first place. The exact level of punishments above suspending offending ads should be determined in line with what is considered acceptable and the likely harm to the democratic process. The could include:
 - a. Substantial fines. These need to be proportional both to the damage caused and to the resources available to campaigns and should be set at a level that is genuinely painful for even well resourced, major parties.
It should furthermore be determined in what situation fines should be levied at the platforms carrying political ads as well as those parties running them. We are not advocating giving tech firms a role to decide what is politically acceptable speech, but would require them to reject blatantly fraudulent campaigns or breaches of law, as well as closing technical loopholes wherever possible.
 - b. Mandatory licensing: A campaigner who has violated rules regarding political advertising could be placed under additional scrutiny and made to clear their ads with the regulator before they are shown to members of the public.
 - c. Bans from campaigning: A more extreme solution would be to ban certain groups or individuals from engaging in campaigning activity for a period of time. This could apply to political consultants found to systematically facilitate circumvention of electoral laws and would present a very strong incentive to run clean campaigns.

These measures should make campaigners carefully consider the use of new tools and, where in doubt see further advice from the regulator. Many of these present suggestions, which should be carefully weighed by policy- and lawmakers. Ideally, this process should allow for a high amount of input from the public, as we lay out in the next section.

4.4. Citizens

We have so far mainly referred to citizens as beneficiaries of transparency in political advertising online. We furthermore believe that they should be involved as much as possible in responding to questions which go right to the heart of the democratic process. Ultimately it is citizens who should decide what they consider to be acceptable conduct in an electoral contest, even though in practice the government will have to act to limit malicious behaviour.

We have proposed limited certain kinds of political advertising, because we believe they are not in the interest of voters making democratic decisions. When asked, people do not agree with the amount of data that is collected about them and the targeting that is used for. They do not believe social media companies do enough to prevent unethical behaviour on their

platforms⁹. 61% of Britons believe that the government should do more to separate what is false and true online¹⁰.

Beyond a general sense that something ought to be done however, it would be helpful to ask members of the public where they would draw the line, for example when it comes to ads being targeted with the aim of showing the failings of one's political opponents or whether political ads should be shareable on social media platforms, giving them additional reach. Especially in these febrile political times, public support would strengthen the legitimacy of any steps limiting political speech. This could be gathered through surveys and focus groups but also through more in-depth involvement of the public in this process, through workshops or citizens assemblies. Involving the public requires careful understanding of the issues, so that they can be presented with viable options and models for, say, assigning responsibility for ads that run on social networks maintained by large, international tech firms. It would however be very helpful to designing an adequate response now and setting rules for the future of technology and politics.

⁹ Edelman Trust Barometer, 2018, UK Results

<https://www.edelman.co.uk/research/edelman-trust-barometer-2018-uk-findings>

¹⁰ Newman et al. (2018). Reuters Institute Digital News Report 2018. Reuters Institute, p. 20, <http://media.digitalnewsreport.org/wp-content/uploads/2018/06/digital-news-report-2018.pdf>

Appendix Q

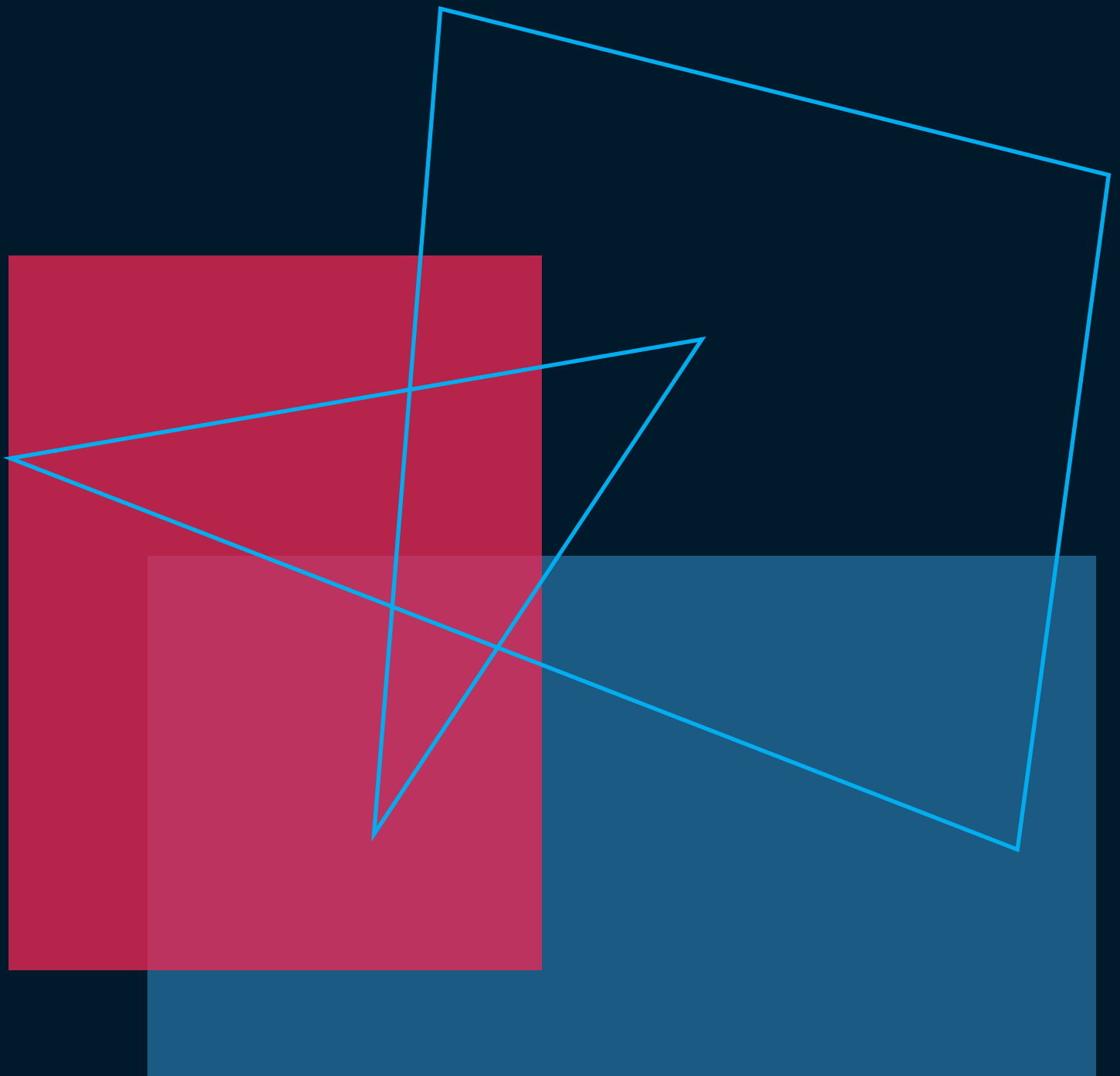
DEMOS

Quality Control

Reading, publishing and the
modern attention economy

Andrew Gloag
Alan Lockey

July 2019



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Kindly supported by The Publishers Association.

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Published by Demos July 2019

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Acknowledgements

This report has benefited from the hard work, expertise and talent of a number of brilliant people.

First, we would like to thank the Publishers Association for their kind support which made this research possible.

We are also grateful to the policy experts, academics and practitioners who were kind enough to offer their thoughts throughout the project.

At Demos, the most important thanks go to all our colleagues – as ever, this is a collective contribution. In particular, to Asli Atay and Sacha Hilhorst who helped guide us through the Millennium Cohort Study data; Ellen Judson who was a constant source of advice on online harms; Ben Glover, Alex Krasodonski-Jones, Josh Smith, Rose Lasko-Skinner and Polly Mackenzie who provided thoughtful policy advice throughout. Finally, to our fantastic external affairs team for their help in the report's production.

Andrew Gloag, July 2019

Executive Summary

The way in which we read has changed dramatically with the dawn of the digital age. Information is available with the touch of a button, or a tap of the finger. As the transition has been made from paper to screen, our understanding of what this means for both our personal reading behaviour and wider society is not entirely understood, and often misunderstood. The effects, especially of social media, on wellbeing have come under particular scrutiny.

This report begins by exploring how we explore content in this new reading environment, and whether this has had any effect on key areas such as concentration, memory, and mental health. We then look at what we are consuming, and how economic and social models underpinning the production of content for online markets are radically different from the models which preceded them in the offline world.

Providing a clear analysis of the differing effect of reading, for example, an eBook on a Kindle and Twitter on a smartphone, can be challenging. However, we can say that depending on the activity, concentration, attention and memory can all be affected to varying degrees, at least in the very short term. Our own original analysis of the Millennium Cohort Study found that children who spend more time on social media, for example, are less likely to report being happy with their life. However, this is a complex area which is hotly disputed.

The available evidence suggests that screens themselves appear, in moderation, not to have any significant impact on health and wellbeing. Besides which, reverting to a world where the only written

words are physically printed not only seems wildly impractical and potentially regressive but also avoids the crucial issue of what, not how, we are consuming.

Many of the new problems we have identified in the report can be associated with the way in which new content is consumed, but we cannot escape the fact that much of the harm is caused by substance rather than the style of content now available. We therefore propose a range of new measures for both the government and the industry to create a truly enlightened society of readers and writers for the new digital age.

Recommendations

A Rebalanced Attention Economy

Recommendation 1: The Government and universities should commission further research on the design and behavioural factors that lead to healthier, more community-spirited online spaces.

Recommendation 2: The Government should work with and fund the publishing industry to develop a 'Citizen Editors' voluntary training scheme.

Recommendation 3: As part of the Digital Charter initiative, the Government should look to develop a public service publishing ethos, which should apply to all publishers, including technology platforms. The long-term priority should be to ensure that the public service publishing considerations materially alter search engine optimisation and content-promoting algorithms, so that harmful and poor-quality content is less valued.

Recommendation 4: The Government should work with tech companies to develop new product standards that can allow users to control their settings more easily or that have default settings that promote a better reading environment. For example, a 'reading mode' could immediately switch online browsing on smartphones to optimal settings for reading (e.g. blocking distracting pop-ups/ adverts).

Recommendation 5: The Government needs to reinvigorate the character and resilience education agenda in all schools, colleges and adult education settings. This should be incorporated into Ofsted's new inspection framework.

Support for quality content creators

Recommendation 6: The Government should zero-rate VAT on ebooks, audiobooks, digital newspapers, journals and other online publications.

Recommendation 7: The Government should make sure that both it and The Charity Commission deliver on recent promises to enable the philanthropic funding of public interest journalism, as recommended by the Cairncross review.

Recommendation 8: Arts Council England should spend more on literature and the Government should encourage it to do so. It should also ensure that the UK retains its membership of Creative Europe, with funding access, after Brexit.

Recommendation 9: The Government should consult with the publishing industry on a potential publishers' waiver on Article 11 of the Digital Single Market Directive. The objective should be to put publishers themselves in control of their own rights, so that they can pass on their licence to publish if they choose, but be

compensated by tech companies, as Article 11 recommends, if they prefer.

Reading and Writing in Society

Recommendation 10: The Government should invest in school and college libraries with the ambition that all schools can provide access to safe reading spaces that protect children from the attention economy whilst they read online.

Recommendation 11: The Government should work with reading charities to ensure that all disadvantaged children enjoy an entitlement to a universal summer reading and creative writing programme over the summer holiday as part of a broader cultural enrichment strategy.

Recommendation 12:

The Government should develop a national lifetime book gifting scheme, enshrining book ownership and reading as a key citizen entitlement. It should also work with publishers to explore the possibility of public book banks, run by Reading Ambassadors.

Introduction: A new world of words

Fewer things seem more important, more central to the human condition, than reading. The beauty and utility it provides our lives is so vital it can almost seem banal. As Scout says, in *To Kill a Mockingbird*, when Miss Caroline threatens to restrict her reading privileges:

"Until I feared I would lose it, I never loved to read. One does not love breathing".

It appears that many of us in Britain feel a little like Scout does about reading. Around 200 million books are sold each year, amounting to hundreds of millions of hours of reading.¹ And that is before we even factor in the magazines, periodicals, journals, research papers, pamphlets, webzines, blogs and all the other countless conduits for the written word we voraciously consume. The contents of which – with friends, family, colleagues and even complete strangers – mediate our conversations and ultimately our lives.

Demos believes passionately in the power and pleasure of reading. In our recent report, *A Society of Readers*, we highlighted how reading even has the potential to alleviate some of the great social problems of our time, from social mobility to loneliness, mental and physical health challenges. Allowing ourselves to dream a little, we called for:

"A society that saturates itself with books for everyone at every point of life. A state that marks significant life events with the gift of reading – especially to its children. A school system where children, by and large, arrive with a love of reading that was handed down to them by their parents who were supported at various points in their life to turn to books themselves...

*...a society where workplaces may even carve out the time to allow their employees time to attend further reading classes and reading groups. And a society that does not forget that its ill and ill-informed not only have cognitive needs but imaginations that can still light a fire too – and where we encourage them to share these imaginations by bonding with their contemporaries over the written word."*²

We still hold fast to that vision of a society of readers. However, the written – or spoken – words we so cherish do not leap fully-formed onto our pages or screens of their own accord. Sadly, for writers, there is no magic way of moving directly from thought to expression. Rather, those words are discovered, curated, cultivated, edited, proofed, fact-checked, nurtured and ultimately published by one of the most strategically important industries, both culturally and economically, in Britain. Last year alone, the publishing industry created £3.2bn worth of direct gross value added to the UK economy, supported 70,000 jobs and generated immeasurable soft power capital.

However, the purpose of this report is not merely to recant the prior importance of publishing to delivering a genuine society of readers. Rather, it is to understand how that industry might help us tackle some urgent social challenges that, in this case, may lie a little closer to home. Because one thing that you can say about reading and publishing in the 21st century which requires very little research is just how profoundly the way we do both has changed. For one, vast swathes of the published written word are now viewed

on screens that have come to dominate, if not our lives, then certainly the way we access information about the wider world. Fully two-thirds of adults (64%) say the internet is an essential part of their life, a statistic that would have been unthinkable even ten years ago, when smartphones were only just beginning to take hold of the communications market.³ That today this figure seems unsurprising only shows how far we have come in so short a space in time. Both the reading environment and the publishing industry have been totally transformed. We live in a new world of words.

It is, though, a new world that people are beginning to worry about. To read the Government's recent Online Harms White Paper,⁴ for example, is to enter a dark world of cyberbullying, radicalisation, fake news and poor mental health outcomes – especially for young “digital natives” (those who grew up in the digital age and have never known a world without the internet). Some of these issues have been associated by some commentators with the shift in our reading environment, the over-exposure to screen time, in and of itself. However, by far the larger concern and bigger public policy debate, concerns content. Yes, as Bill Gates remarked presciently and more optimistically over 20 years ago – “content is king”.⁵ But sadly not always in a good way – the content we, and young people especially, read online could be harmful. Worse still, an entire economic edifice – what some commentators have called the “attention economy” – could be quite deliberately keeping us hooked on inaccurate, harmful or emotionally exploitative content.

This was not quite how Gates saw it going. Yet if we want better content in our lives then surely it pays to examine the lessons we could learn from an industry that has been informing and entertaining us through its judicious moderation of words for centuries? We believe it does and that, more importantly, it may be the only way towards healthier online spaces and a true society of readers.

The report is divided into four chapters.

Chapter 1 assesses the evidence base for a range of social problems that have been linked to this shift in the digital reading and content environment;

Chapter 2 presents a comprehensive picture of the societal attitudes and lived experience of British citizens in the modern attention economy;

Chapter 3 explores the social role of publishing in Britain and what lessons we can learn that might meet some of our harmful content challenges;

Chapter 4 suggests a reform agenda with which policymakers might boost publishing's social role, tackle the damaging incentives of the attention economy, create safer online spaces and help nurture a society of readers.

As well as desk-based research, this report is underpinned by a mixed-method approach that draws upon two discussion groups with members of the public (both in London); a nationally representative polling survey; secondary quantitative analysis of the Millennium Cohort Study, a comprehensive literature review and a short semi-structured qualitative interview series with experts and policymakers operating with the publishing industry. Further details about our methodological approach – and the Millennium Cohort Study analysis in particular – can be found in Appendix One.⁹

01.

Reading and wellbeing in the digital era

It is important, at the outset, to have a firm grasp on all aspects of, and social challenges that might arise from, the profound shift in our reading culture.

The digital age has brought with it huge changes in the way we produce and receive published content, with the vast bulk of the information we consume now read on screens, produced by an ever-proliferating array of content producers. The effects of this dramatic shift to the reading and content environment are well researched but hotly disputed. Social media content in particular has been held responsible for a wide variety of online harms – from shaking faith in democracy through the passive promotion of disinformation, right the way through to altering the way our brains store and process information. This chapter assesses the evidence base for a range of social problems that have been linked, rightly or wrongly, to this shift in the digital reading environment:

- Screen usage (and associated negative impacts);
- Worse concentration;
- Poor mental health and wellbeing;
- **Effects on neuroplasticity and memory;**
- Misinformation.

If this list seems broad, then that is deliberately so. For though this report is ultimately about how publishing can improve the digital content ecosystem, it is important at the outset to have a firm grasp on all aspects of, and social challenges that might arise from, the profound shift in our reading culture. That said, it is also important to appreciate the challenges and limitations associated with researching this area. Firstly, the literature studying the effects that flow from this profound change is clearly in its infancy. But also concepts such as “screen time” are usually defined differently across different studies, often covering multiple facets of digital use that make little analysis of the content consumed. The concept of “screen time” itself has been called “statistically noisy nonsense”.⁶ Therefore, providing a clear analysis of the differing effect of reading, for example, an eBook on a Kindle and Twitter on a smartphone, can be challenging.

Screen usage and the reading environment

One area of research that has received significant scrutiny is the impact that the shift towards more reading on screens has had upon our reading habits in and of themselves (as distinct from their potential link to social harms such as mental health challenges). For example, there is a well-advanced argument that the shift from printed word to digital screen has significantly changed the way we interact with our media, making us less likely to read a document linearly and instead encouraging habits such as the rapid scanning of text for key information. A 2005 study by Liu supports this hypothesis, suggesting that screen-based reading is characterised by more time spent browsing, scanning, keyword spotting, engaging in non-linear reading (reading out of order) and reading more selectively. Conversely, screen reading meant less time spent on in-depth and concentrated reading, and being more prone to distraction.⁷ Similarly, Myberg found that common activities typically performed when reading certain types of information on paper – such as highlighting and annotating – have not yet fully migrated onto the digital screen.⁸ For example, while scanning and skimming are ubiquitous in all forms of reading, it is easier on digital technology with the use of keyword searching and scrolling.⁹

There are also concerns that the move away from physical books and the corresponding loss of a tactile element to reading means that something essential is lost from the experience. Labelling this feeling “haptic dissonance”, Gerlach and Buxman argue that in failing to recreate this tactile experience, screens and e-readers may prevent people from navigating long texts in an intuitive and satisfying way.¹⁰ There is at least some market evidence to back this up too – print books are still the most popular form of books purchased in the UK, with 62 percent of 16-24 year olds – i.e. so-called digital “natives” – also preferring physical books over their digital equivalents.¹¹ Furthermore, a 2009 study by Sanchez and Wiley suggested that reading text on a screen and scrolling through that information could decrease comprehension and reduce the understanding of complex topics.¹²

Aside from the impact screen reading has on reading habits, there are also a number of widespread worries that too much screen time can be harmful. For example, prolonged periods of looking at a screen have been found to put strain on the eyes leading to “computer vision syndrome”, or “digital eye strain”, with symptoms including eye strain, headaches, blurred vision, dry eyes, and neck or back pain. Medical guidance has adapted to this with the so-called 20:20:20 rule, which recommends looking away from the screen every twenty minutes, for twenty seconds, at something that is twenty feet away.¹³

More recently, concerns have grown about the blue light emitted from devices such as smartphones and the potential impact on sleep quality and duration. For example, Harvard University researchers found that the blue light emitted by the most popular handheld devices can suppress the sleep hormone melatonin for about twice as long, when compared with a control green light, as well as also shifting our natural circadian rhythms by twice as much (3 hours vs. 1.5 hours).¹⁴ This research backed up a 2015 study that such devices “often generate substantial short-wavelength (blue-enriched) light emissions that can adversely affect sleep.”¹⁵ However, the study did not examine whether using these devices before sleep had a significant effect on sleep quality and duration directly. Moreover, whilst an analysis of the 2016 US National Survey of Children’s Health found that “Each hour devoted to digital screens was associated with 3-8 fewer minutes of nightly sleep and significantly lower levels of sleep consistency”, the research concluded that screen use “has little practical effect on pediatric [sic] sleep”, and that “contextual factors surrounding screen time exert a more pronounced influence on pediatric sleep compared to screen time itself”.¹⁶ Ultimately, a lack of sufficient trial evidence makes it difficult to draw firm conclusions about the causality of any links between screen use and poor sleep at this stage. It is possible, for example, that an “effect-cause” relationship could explain the link as people with pre-existing insomnia may increase phone use while they are struggling to sleep. The guidance from the Royal College of Paediatrics and Child Health (RCPCH) currently recommends that screens should be avoided one hour before bed, so as to reduce stimulation from the light or the content of the screens.¹⁷

Concentration

There is also a wide body of literature that suggests the presence of a wide range of digital devices on our person is having a profound effect on our concentration, and

consequently our productivity. A 2015 examination of the impact of new technology upon multitasking patterns in everyday settings found, perhaps unsurprisingly, that activities like studying, doing homework, learning during lectures and learning from other sources are all negatively affected by concurrent multitasking with technology. Young people who multitask frequently may be poorer at ignoring irrelevant environmental information and focusing on the task at hand.¹⁸

Similarly, a 2005 study on “infomania” (the negative effects of “always-on” technology) found that distraction diminishes IQ test performance, with the impact greater for males than females.¹⁹ Noisy conditions – including receiving text messages, phone calls, and emails – also precipitated a striking increase in self-reported stress; on a 0-10 scale of “stress experienced during the test”, women reported an increase of 4.75 - 6.75. For men, this increased from 2.75 to 5.5.

So why do we multitask so widely when it appears to have such a detrimental effect on our productivity? Research has found that while it may not fulfil our cognitive needs, it is effective at meeting emotional needs, like being entertained or feeling productive, without actually meeting the cognitive needs of studying effectively or getting work done.²⁰ Moreover, the positive feelings associated with multitasking create a feedback loop that makes people more likely to multitask in the future.

Research by Marci found that “digital natives” – those who were born in and never remember anything other than the internet era – switch their attention between media platforms 27 times per hour – about every other minute, and 35% more than “digital immigrants” (i.e. those who migrated to the digital world, with some experience of the pre-internet era).²¹ “Digital natives” also spend significantly more time using multiple platforms, which leads to a “more constrained pattern of emotional engagement with content”. They are more likely to use media to regulate their mood, with the study suggesting that as digital natives grow tired or bored, they turn their attention to something new.²²

Of course, this is not entirely a new challenge of the smartphone era. Numerous studies also suggest that mobile phones may distract our attention in different settings. Interruptions by mobile or conventional phones, whether it be through notifications or phone calls, can easily derail our train of thought.²³ However, there appears to be a great deal of evidence to suggest “engagement with smart devices can have an acute impact on ongoing cognitive tasks” in the very short-term.²⁴

Mental health and wellbeing

Clearly, there has also been a lot of concern around the impact increased digital activity has on mental health. This has been especially prominent following the death of Molly Russell, whose parents held Instagram, and the dissemination of graphic content on the platform, partly responsible.²⁵

For such policy reasons – as well as data ones, with young people easily comprising the biggest usage group²⁶ – most research has focused on younger age groups and tends to focus specifically on the impact of social media, rather than on other types

of short-form or low-quality media content. However, in truth it is incredibly difficult to assess the impact a person's digital activity or social media usage specifically has on their general mental health. Not only is the available data highly open to interpretation, even when there are stark relationships it is often extremely difficult to attribute causality. As such, journalistic articles that emphasise the supposedly negative effects of social media upon mental health sometimes fail to distinguish between different types of social media platforms, or different classifications of frequency of use, or different definitions of wellbeing, and so on.²⁷

The existing academic literature is equally mixed. Some studies have found that Facebook use, for example, can improve self-esteem²⁸ by "satisfying users' need for self-worth and self - integrity."²⁹ However another study, based on surveys sent to participants after every time they used Facebook, have found that increased use of that particular platform can decrease overall wellbeing.³⁰ Meanwhile, the recently published King's Trust Youth Index found that nearly half of 16-25 year olds surveyed (46 per cent) think that comparing their lives to others on social media makes them feel "inadequate" – a finding partially reflected in our focus groups and polling analysis (see Chapter Two).

Overall, the impact of Facebook on wellbeing can vary greatly depending upon how the user interacts with it. Research by Burke and Kraut, for example, found that receiving direct communication from trusted friends is more likely to increase wellbeing than scrolling through their photos.³¹ Equally, one theory – dubbed the "Goldilocks Hypothesis" – posits that moderate use of social media can have a net positive effect, allowing the exercise of social skills and increasing connection to peers.³² There is, according to the same study conducted by Przybylski and Weinstein (academics from the University of Oxford and Cardiff University respectively) a level of digital activities that is "just right". Too little, and the user would forego the benefits that digital activities bring; too much and other potentially rewarding activities, such as real-life social interaction, might be foregone. On the other hand, when Demos conducted a thorough quantitative analysis of the latest wave of Millennium Cohort data, we found that the participants – now aged fourteen – who spent more time on social media seemed to suffer a range of worse wellbeing outcomes (see next page).³³

Demos' original quantitative analysis of the Millennium Cohort Study³⁵

Demos analysed Wave Six of the Millennium Cohort Study which includes a range of questions about social media use and other digital habits. The fieldwork for this Wave was carried out in 2015, when the participants in the sample (just under 12,000) longitudinal series were 14 years old.

In our analysis, we defined a low social media use group as those who use social media up to one hour per day (34.6 % of total sample). Medium social media use is defined as one or two hours per day (32.3 %) while high use is defined as three or more hours per day (33.1 %).

Our top line findings are as follows:

Reading

- Reading for joy correlates with happiness at school. 62.5% of children who read for joy are happy with their school work whereas only 49.6% of non-readers say the same.

Consumerism

- Social media use seems to reinforce consumerism. 14 year olds who spend three or more hours per day on social media are over 20 % more likely to care about popular labels, compared to those who spend up to an hour per day (at 82.6 % compared to 61.9).
- Frequent readers, on the other hand, seem to care less about popular labels than their peers, at 63.5 % compared to 79.3 %.

Happiness

- Children who spend more time on social media are less likely to report being happy with their life. Among children who use social media no more than one hour per day, seven in ten (69.9 %) report feeling happy. Among high social media users, only half say the same (52.5 %).
- Girls especially tend to be unhappy when they spend a lot of time on social media. Only 46.5 % of the high use group report being happy with their life, compared to 64.4 % for boys in the same group. Girls are also more likely to be heavy social media users (43.6 % for girls versus 22.5 for boys).
- Children who spent three or more hours per day on social media were also more likely to report concentration problems. The figure was 60.5 for the high use group compared to 49.2 % for the middle use group and 45.2 % for the low use group.

Body image and mental health

- Children who spend more time on social media are less likely to be happy with the way they look (29.7 % for the high use group, compared to 47.5 % for the low use group). This difference is driven especially by girls who spend a lot of time on social media. They have the worst body image of any group, with only 21.6 % saying they are happy with their body.
- Among girls who spend three or more hours per day on social media, six in ten are hoping to lose weight (60.0 %). For girls who spend little time on social media, it is closer to four in ten (43.2 %). For boys, we see similar patterns but much less stark.
- Self-harm is more common among high social media users. 14 year olds who spend three or more hours per day on social media are twice as likely to self-harm as their peers who spend more time offline, at 23.3 % compared to 9.1 and 11.4 % for the low and middle use groups respectively.
- Again, this is more pronounced for girls. Of girls who spend more than two hours per day on social media, almost three in ten (29.3) have self-harmed over the last year.
- The high-use group was also more likely to experience feelings of self-hatred, at 35.7 %, compared to 17.1 % for the low social media group.

However, in fairness, many studies into social media and its effects (including Demos's original analysis of Millennium Cohort Study data) are based upon secondary quantitative analysis of large, often self-reported datasets. However, when the Oxford Internet Institute performed a specification curve analysis it found that though there is clear empirical evidence linking high levels of digital technology use to negative impacts upon psychological wellbeing, the association is actually "too small to warrant policy change".³⁶

In short, there needs to be more research into digital use and wellbeing, with clearer data and more thorough analysis. We are confident this will emerge soon – the evidence base on this topic is growing all the time. However, for now firm conclusions are perhaps inadvisable.

Effects on neuroplasticity and memory

Neuroplasticity can be defined as the "ability of the nervous system to respond to intrinsic or extrinsic stimuli by reorganizing its structure, function and connections."³⁷ In other words, the brain can rewire itself to adapt to new environments. The degree to which our brains are plastic changes across our lifespan, but this depends on a number of genetic and environmental factors, and how they interlink.³⁸

There is a large body of evidence that neuroplasticity can be observed with meditation and treatment of brain injury. However, the idea that the brain might be "re-written" through repeated overuse of digital media – which has been a regular focus of media articles³⁹ – is extremely contentious. Indeed, more broadly there is a mixed and varied literature on whether a causal link between use of digital technology and changes in the brain can be established.

Perhaps the most notable proponent of the idea is Baroness Greenfield, who has written extensively on the supposedly harmful effects of short-form media content, particularly on younger people and children. Comparing the effects of technology, she is quoted saying "I want parents to be so aware of the risks of the technology that they intervene to stop their children doing it, like with smoking."⁴⁰

Greenfield argues that technology – incessant exposure to social media, search engines and videogames – is capable of rewiring our brains and questions whether the minds of "digital natives" – those who grew up with the technology – are different to "digital immigrants" (those for whom social media is relatively new). Her book, *Mind Change*, draws an analogy between this issue and climate change in terms of the scale of the social challenge we may soon face.⁴¹ This compliments the long body of material that purports to find a link between changes in the brain and use of digital media – for example, by Carr⁴² and Small.⁴³ However, Greenfield's research has been subject to much criticism from some scientists and clinicians. Writing in the British Medical Journal (BMJ), Bell (et al.) expressed a concern that "Greenfield's claims are not based on a fair scientific appraisal of the evidence, often confuse correlation for causation, give undue weight to anecdote and poor-quality studies, and are misleading to parents and the public at large."⁴⁴

Putting the neuroplasticity debate to one side, the widespread prevalence of internet

enabled devices does seem to have significantly changed the way we obtain information. Now, with the power of search engines like Google, we can instantly find volumes of knowledge greater than the multi-volume encyclopedias of yesteryear. Alongside this rise in knowledge, off-shore and at our fingertips, have come worries that the availability of information has had a detrimental effect on our memory. In 2011, a study by Betsy Sparrow et al. looked at how we memorise information when we expect it to be stored by a computer for later use.⁴⁵ It concluded that instant access to information through search engines may have an impact on our ability to memorise information in the long term. By relying on our devices to produce information, we would be more likely to discard information, knowing that it would be instantly available. This research coined the term “digital amnesia” to describe this effect.⁴⁶ Similarly, a study in 2015 found that those who think more intuitively and less analytically when given reasoning problems were more likely to rely on their smartphones.⁴⁷ The available evidence therefore suggests that when we turn to devices such as search engines, we generally learn and remember less from our experiences. However, it should perhaps be pointed out that such concerns regularly emerge when new technologies create better ways to store information. For example, similar studies found the same phenomenon occurs with more traditional ways of storing knowledge, such as the “Rolodex”.⁴⁸

Addiction

While the evidence of a clinical addiction to technology has not yet been scientifically established, there have been increasing concerns in recent years. Excessive online gaming has been classified as a disorder by the World Health Organisation, which says that “when gaming takes precedence over other activities in a person’s life” it becomes a medical disorder.⁴⁹ Meanwhile, in the UK, the NHS has started offering treatment for “gaming disorder”.⁵⁰

The Government has recently published the Online Harms White Paper which raises “designed addiction” as an emerging concern.⁵¹ It claims that some online products use “seemingly small but influential features” such as ‘likes’ in order to retain attention, encouraging use for a longer period of time. These features could “exacerbate” existing addictive traits in an individual. It could also enable existing addictive tendencies such as gambling.

The key question as far as this report is concerned is whether such “designed addiction” techniques are utilised to ensure that the reading environment online is not conducive to the production of high-quality content. Like many of the topics discussed in this chapter, conclusive evidence remains to be found. However, this issue is considered further in Chapter 4.

Misinformation

The digital age has brought with it the ability to disseminate information almost instantaneously, largely bypassing the editorial mechanisms of the past. This has had great advantages. Previous Demos research, namely our project, *Plugged In*,⁵² demonstrated

the utility of social media as a vehicle for meaningful social change and activism. We are now able to access and share content at a previously unthinkable pace, and the creation of content has been democratised to a considerable extent.

However, these changes have brought new and complex problems. The ability to broadcast information with little to no editorial control lends itself to the spread of “misinformation” – the accidental proliferation of information that is not true, and “disinformation” – the deliberate proliferation of falsehoods. This has implications for “the fabric of democracy itself” according to the Department for Digital, Culture, Media and Sport Select Committee.⁵³

It is vital that people have trust in the information that they consume, in order to make informed decisions. Currently that does not appear to be the case. According to the 2018 Reuters Institute Digital News Report⁵⁴, 44% of people have trust in general media, falling to only 23% on social media. Moreover, the recently published Cairncross review found that “Half of UK adults worry about ‘fake news’ or disinformation”. A quarter do not know how to verify sources of information they find online.⁵⁵ Of course, misleading information is far from a recent phenomenon, but the technological environment allows the spread of such content on a much wider scale and at a much greater speed.

From our own polling, trust in all forms of media to deliver impartial accurate information is low across the population. Only 30% of UK adults trust academic papers or reports to deliver this, while only 25% trust newspapers. Social media and magazines were only trusted by one in ten (11% and 10% respectively).

The next chapter elaborates on this, and asks what the general public thinks more broadly about these issues.

02.

Britain inside the attention economy

To obtain a deeper understanding of some of these emerging social problems, we brought in the voices of the public.

In the previous chapter, we surveyed the literature and evidence that documents the impact of the new digital reading environment. To recap on some of the main findings:

- There is some evidence that screen-based reading differs significantly from physical reading – with less time spent on in-depth and concentrated reading.
- There is some evidence of a relationship between digital consumption and concentration in certain situations.
- Social media has mixed associations with wellbeing, but there is some evidence that excessive use tends to be detrimental on a range of outcomes.

To obtain a deeper understanding of some of these emerging social problems, we undertook two focus groups with members of the public, granting us a deeper insight into people's lived experience of the transformation in the media and content landscape. We also undertook an original, nationally representative survey of 2000 adults in the UK, to assess attitudes to these challenges at a societal level.

This chapter presents the findings of this phase, presenting a comprehensive picture of Britain in the attention economy. Some of our top line findings include:

- Two in five (42%) 18-34 year olds self-identify as addicted to social media. However, only 26% of 18-34 year olds think the amount of time they spend online is unhealthy.
- Nearly half (46%) of the public find reading books enjoyable, compared to 19% saying this about social media.
- Three in five (59%) think social media content should be edited.
- Disinformation or “fake news” ranks highest (54%), followed by mental health conditions (46%) and self-harm or suicide (45%) from a list of social challenges caused or made worse by social media.

Polling

Social media addiction and satisfaction

Social media is the most widely consumed form of media. Over half (54%) of UK adults read social media every day.

While younger people (18-34) use social media the most often – 65% use it at least once per day, as opposed to 43% of those aged 55+ – they tend to have more negative perceptions about how addicted they are, how enjoyable they find it, and how relaxed it makes them feel. A quarter (25%) of UK adults say they are addicted to social media, with a clear age correlation. Two in five (42%) 18-34 year olds are addicted, compared to 11% of those aged 55+. This aligns with the trend we observed in the first chapter of the rising worry of younger people not feeling able to control their usage of digital media – a theme further explored in the focus groups below.

Curiously, this does not translate to a direct perception that time spent on social media is inherently unhealthy. 17% of all UK adults think the amount of time they spend online is unhealthy, while 37% consider it to be healthy. However, those who are 18-34 are twice as likely to say the amount of time they spend online is unhealthy compared to those aged 55+ (26% vs 12% respectively). While young people are the most prolific users of social media, they are the group that is most likely to have negative opinions surrounding their usage of it.

When thinking about the range of social issues we identified in the previous chapters that could be caused or made worse by social media, disinformation or “fake news” ranks highest (54%), followed by mental health conditions (46%) and self-harm or suicide (45%).

Relaxation and Utility

Our findings suggest that the predominant usage of social media and digital technology more widely is based less around enjoyment, and more focused on the utility it can bring.

When it comes to relaxation, almost half (46%) of UK adults find it relaxing to read a book, while only 10% find it relaxing to read social media. Similarly, 46% of the public find reading books enjoyable, compared to 19% saying this about social media. One in five find that reading books helps them to learn a lot, and helps them to sleep (both 20%), and that it makes them feel intellectually stimulated (19%).

On the topic of utility, one in five (22%) find they can access information quickly when reading social media, compared to 10% saying this about books.

Reading social media content also makes people feel more connected to the world than reading books; 19% say they feel engaged with the world when reading social media, compared to 8% saying this when reading a book. This gives an indication that books are used more for escapism and relaxation, while social media is used more for its utility.

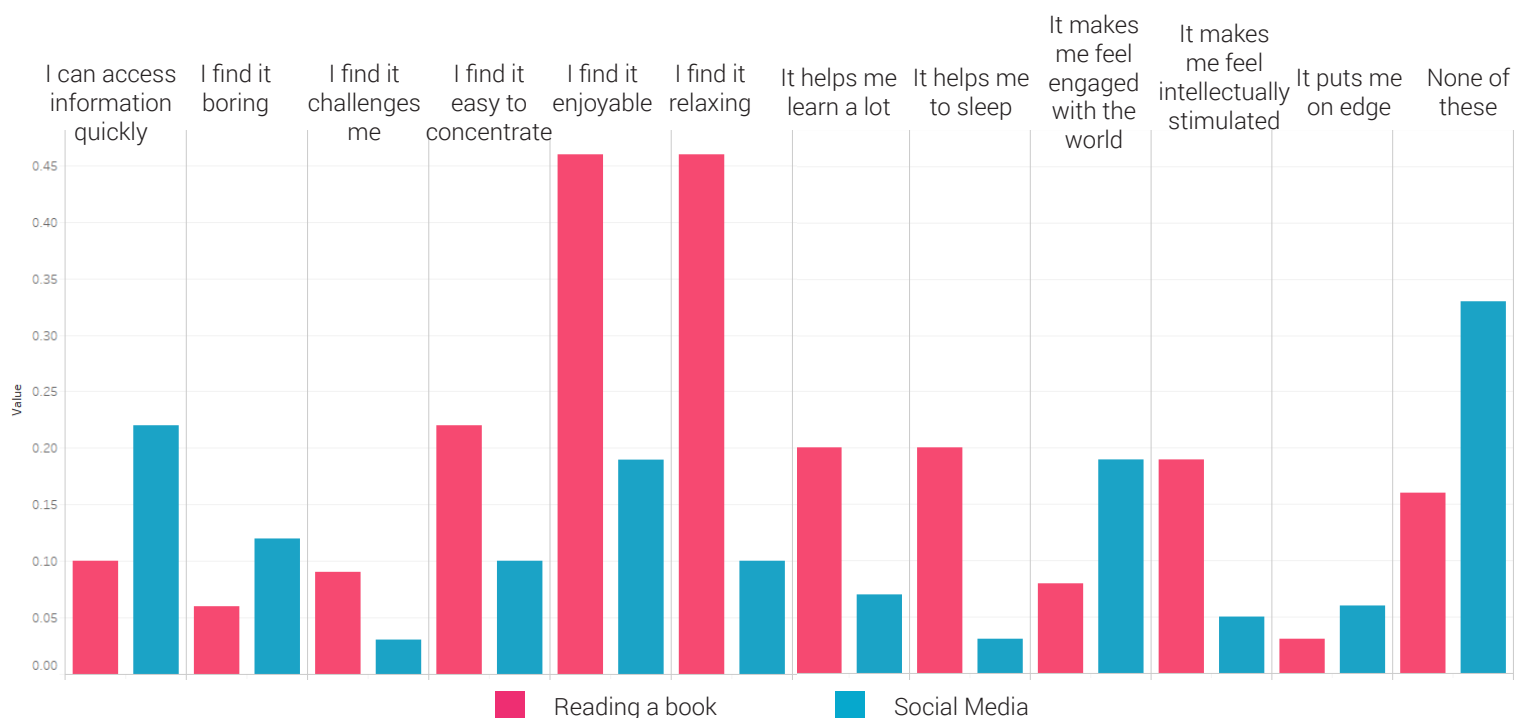


Fig 1: Thinking about reading a book or reading material via social media, which of the following apply to you? Please select all that apply.
Type of reading

Generally, each type of media reader prefers reading their media offline, with the exception of academic papers or reports; of those who have read an academic paper or report, 40% say they prefer to read them online, compared to 27% preferring to read them offline. Of the different media types presented in a graph below, two in five (40%) said they did not trust any of them to deliver impartial accurate information. Trust levels were lower the older you were; 45% of those aged 55+ said they did not trust any of the media types listed to deliver impartial accurate information, compared to 31% of 18-34 year olds.

Similarly, when thinking about media trust in delivering high-quality, thought-provoking content, trust levels were also fairly low. Academic papers or reports (35%) were most trusted to deliver this, followed by newspapers (34%).

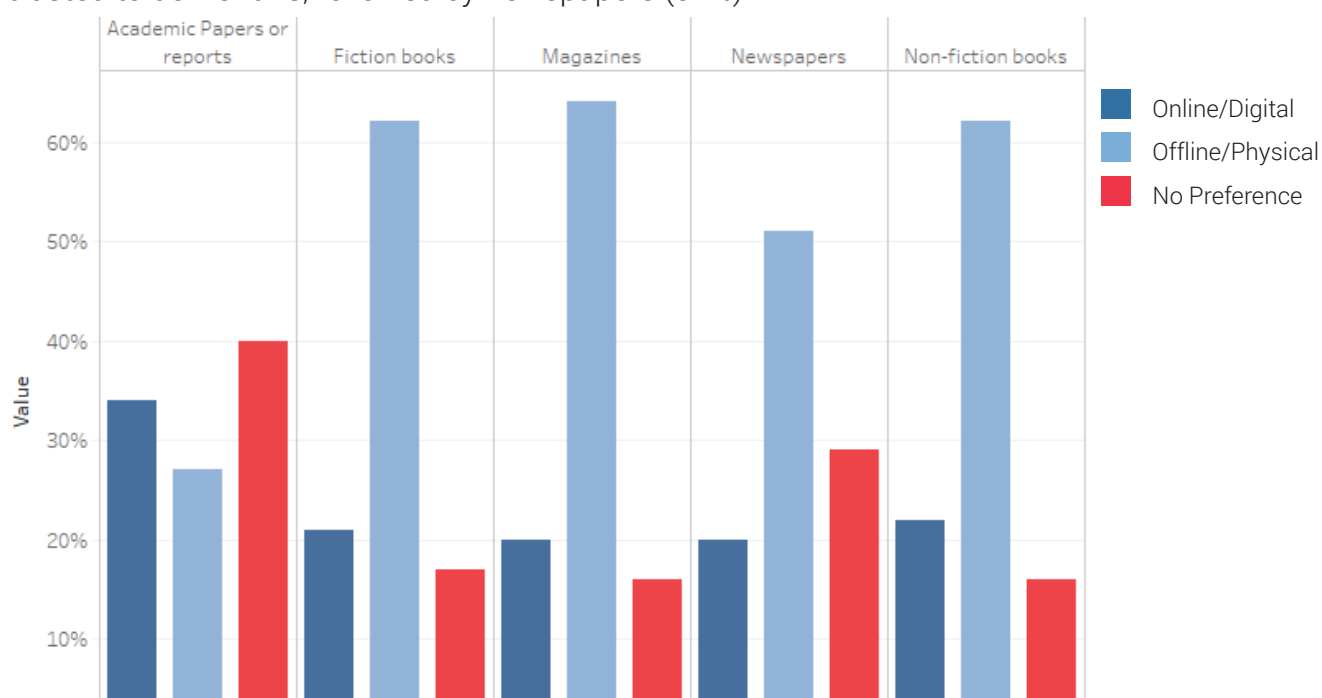


Fig 2: Which of the following types of media do you prefer to read online (e.g. on a computer, smartphone, tablet or e-reader), or offline (i.e. possess a physical copy)

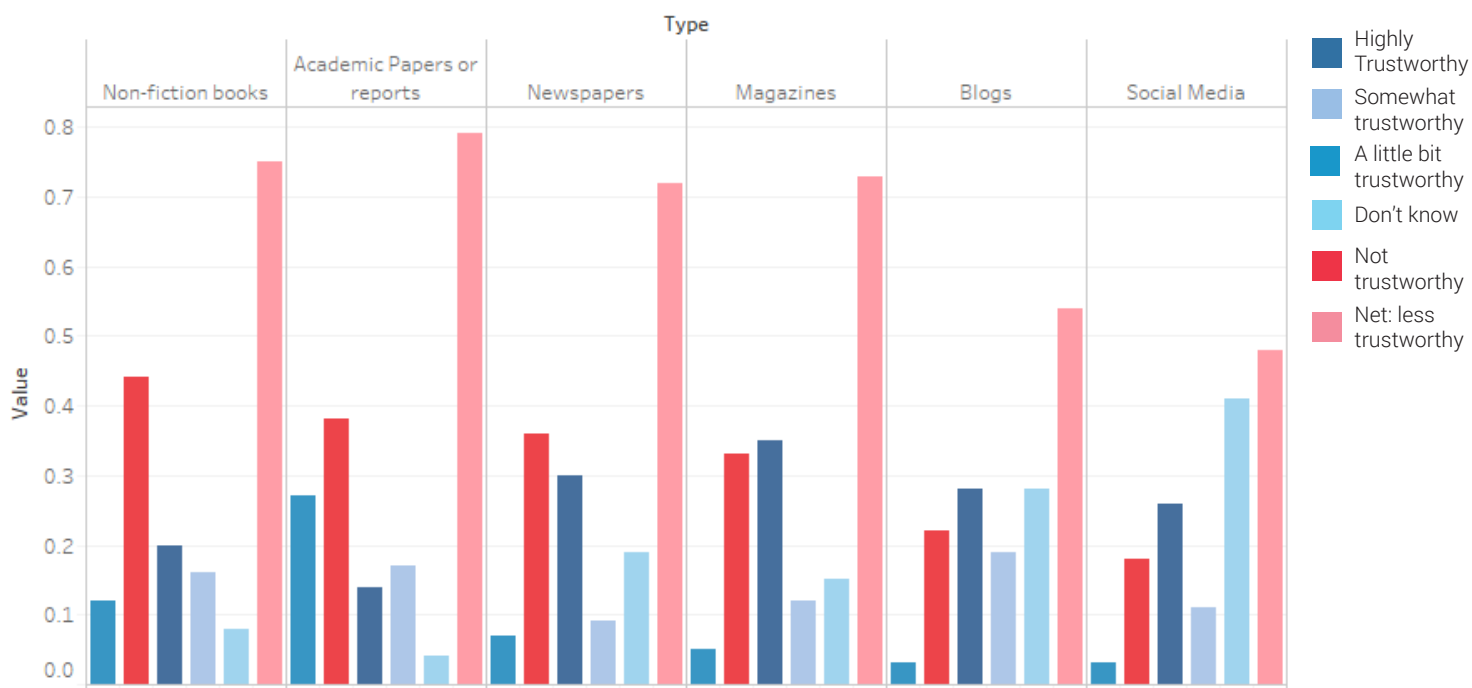


Fig 3: To what extent do you trust the following types of media to deliver impartial accurate information?

Trust in media

Public trust is low in all forms of media, especially social media. Trust levels in media delivering impartial accurate information is fairly low across the population, and even lower on social media.

Academic papers were the most trusted, with 30%, while only 25% trust newspapers. Social media was among the least trusted and magazines were only trusted by one in ten (11% and 10% respectively).

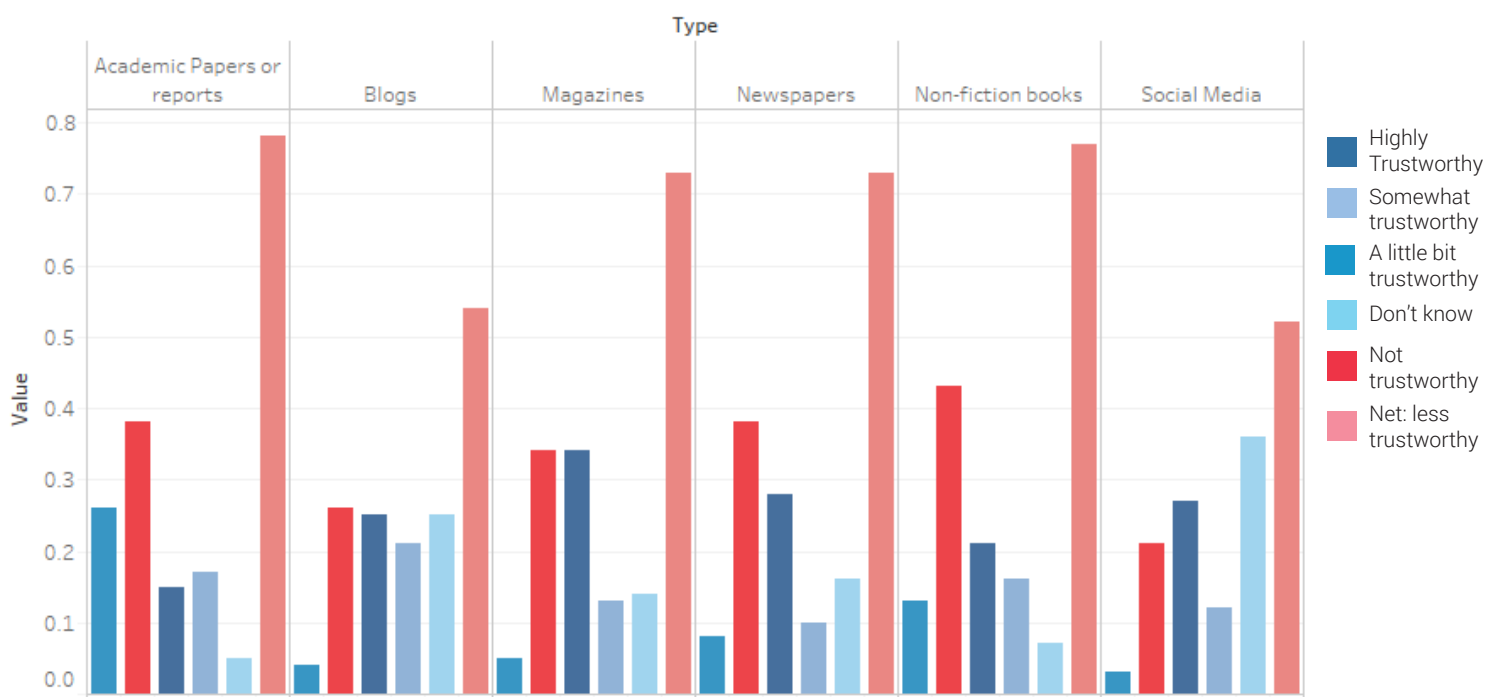


Fig 4: To what extent do you trust the following types of media to deliver high quality, thought provoking content?

Potential solutions

Interestingly, people are overwhelmingly supportive of the idea of a social media moderator. Three in five (59%) think social media content should be edited by moderators, while a quarter (24%) do not think it should be edited. This sentiment the moderators should edit content is highest among the older population; 71% of those aged 55+ think social media content should be edited by moderators, compared to under half (45%) of 18-34 year olds.

If social media was edited by moderators, the public think this would most help combat disinformation or “fake news” (48%), followed by self-harm or suicide (41%) and terrorism (35%). A third (33%) also think it could help combat mental health conditions.

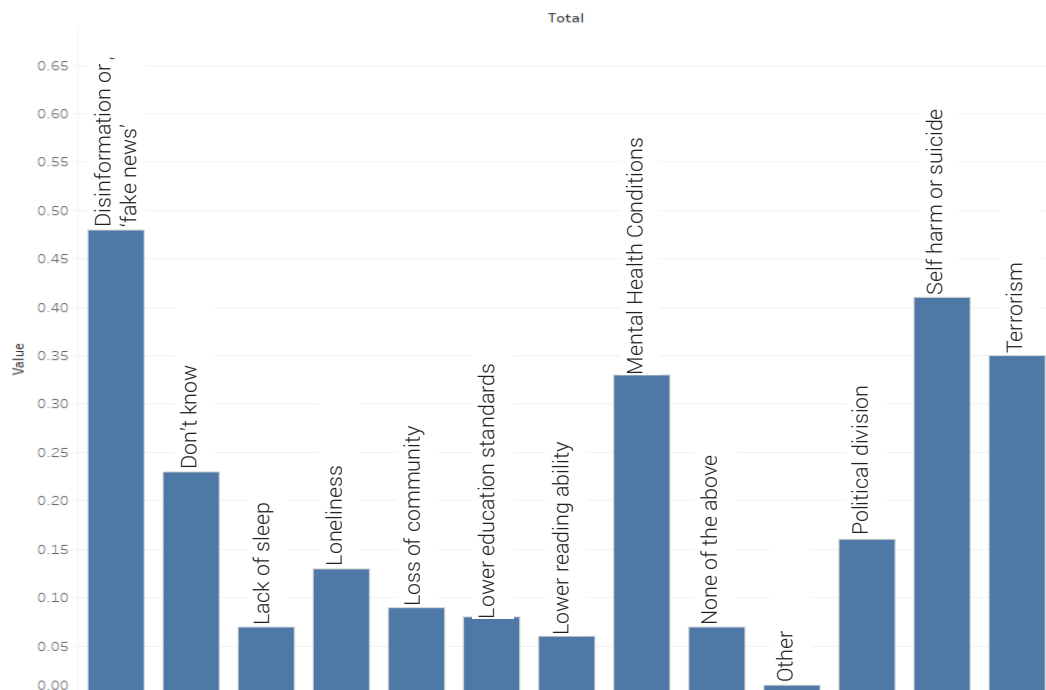


Fig 5: If social media content were edited by moderators what social issues do you think that might help? Please select all that apply.

Focus Groups

In order to further explore these findings, Demos gathered two focus groups with similar demographics, including both high and low users of social media and of mixed reading ability.

Both groups were given a short survey on their wellbeing upon arrival. The first group proceeded to read traditional printed books for fifteen minutes while the second browsed their phones for the same period of time. They were then asked questions about their reading habits, opinions on the change in the reading landscape, as well as the impact this had on them personally and on wider society. While we certainly cannot claim the following discussion to be representative of the population as a whole (or for our pre-survey reading selections to be a particularly scientific process!) the attitudes expressed do provide a useful qualitative exploration of the themes uncovered in our literature review. Both focus groups took place in the Demos offices in London.

Each focus group commenced by asking the participants how they felt after their respective time reading. Broadly speaking, the group that read the printed books reported feeling more relaxed than the group that spent time on their phones.

Both groups had extremely mixed views on the benefits and drawbacks of digital technology. Most participants saw technology as a tool to assist in the daily practicalities of life such as mapping and news, but mainly exclusively used printed books to read for pleasure. This is especially true of the older participants who tended to use the “basic” features of their devices such as making phone calls and sending SMS messages.

There was a general perception among some participants that their usage was “too much” and spoke of trying to reduce usage, frequently mentioning “phone addiction”. Both groups mentioned the ‘Screen Time’ feature recently introduced on iPhones.

The groups were negative overall about the perceived impact social media has on society in general, citing mental health concerns: fear of missing out, comparison to others, and distraction from other, “more worthwhile” social activities.

Personal reading habits

When reading for pleasure, participants in both groups were almost unanimous in their preference for long-form books (and usually, though not always, for non-screen reading). When they did read shorter-form content, it was usually on their mobile devices and for very practical purposes.

Amongst the reasons given for the preference, the feel of the book and the paper was frequently cited:

“I still read books, physical books for my pleasure but news, and apps and everything, I do everything like that on my phone, but never real books because real books are different, they’re what I want to savour and I love them and I love the feel of them and everything about them. Everything else like the news and stuff I scroll through on my phone. It’s different.”

Female Participant, Group 1

There was also a fairly regular implication that books were special and ‘more noble’ than digital content which was described as almost being disposable:

“I like reading my news and like gossip articles or any sort of stuff like that online because you can just sort of discard it, and you can open it up in a tab and swipe it away afterwards.”

Female Participant, Group 1

Some participants mentioned that they read books on e-readers such as the Amazon Kindle:

"I used to read books but now I prefer the Amazon Kindle. So, I read on Kindle nearly every day. Because, I love novels and [...] I like the internet. Cause I want to get in touch with my country, which is Mauritius. That's keeping in touch with everything happening over there and all over the world actually."

Female Participant, 50-65, Group 2

However, many preferred the physical feel of a book – seemingly supportive of the haptic dissonance hypothesis (see Chapter One):

"I just think there's something about a book, a physical book, turning the page, looking back at it. With a Kindle on the tube, I just wouldn't do it, I tried it for a bit, but I really don't like it."

Male Participant, 18-25, Group 1

While there was recognition that advances in technology had made the lives of the participants easier in many ways, physical books still held a central role in their lives:

"It's so convenient for a start, and it's a lot easier to read The Guardian app on my phone than to have The Guardian on the train – especially with the trains these days, if you opened it you'd have no space. Emails and everything are so quick, you're not wasting time waiting for post. You can look up any article and things like that. I use it for absolutely everything, but not to replace my treasured books."

Female Participant, 40-50, Group 1

As we identified in Chapter One, there is evidence that new reading behaviour can be characterised by skimming and scrolling when interacting with content on screens. This was reflected in our participants:

"I read just the first paragraph that's say and that's all you need. When I'm in Uni, I have to read big articles, I can skim through them so quickly, picking out bits of the information. When I need to read articles I can skim through that I don't need to sit down and read them. My brain can process the words so fast you don't need to sit down..."

Female Participant, 18-25, Group 2

Attention Span & New Reading Environment

There was a recognition that the new reading environment wasn't always conducive to productivity. Many got the impression that they were constantly overwhelmed with different distractions and tasks while reading on a screen:

"Reading from a screen you feel pressure to read as if you are working. When there is a lot of information there which you feel you have to get through. You tend to

rush through it. Going to the next article, email whatever. Sometimes you are not taking it off, absorbing it, not digesting it."

Male Participant, 30-45, Group 2

"Even if I'm looking for my emails, I know half of them are junk, I have to sit and delete them, they are worth deleting. It's like a whole other checklist of things you have to do. When I got three WhatsApp notifications, two Snapchats and these are more things I have to keep doing... It is quite stressful sometimes."

Female Participant, 20-30, Group 2

"You are not concentrating on one thing. Reading a book- you are concentrating in the book, you are in the moment, in a story. With a phone, If I was on BBC news, I'm doing my emails, doing work stuff. Doing it all at the same time, you can go back to each one within a second. No real concentration effort going into what you are reading."

Male Participant, 30-40, Group 2

Tech Addiction

Despite the personal benefits the participants extolled, there was a broad consensus that digital technology has had a negative overall impact on society. Multiple participants amongst both groups were concerned that the quality of real-life social interaction had declined:

"I think people lose their ability to actually engage in a conversation or will base their conversations off something they've just seen on the news. There's nothing natural, it's very superficial these days"

Female Participant, 18-25, Group 1

"Nobody speaks to anybody anymore. The conversation is lost. You can be at a bus stop with 20 people they are all around not talking."

Male Participant, 30-45, Group 2

There was much discussion about the possible addictive effects digital media has on people in general. Many sought to limit their screen time with the implication that too much could be harmful:

"I think probably with a lot of screen time generally, mainly the laptop and the phone, I try not to over indulge in it. I give myself limits."

Male Participant, 30-40, Group 1

Furthermore, many participants lamented the widespread use of phones in society,

especially amongst younger people:

"I think some people don't know when to stop. I think it can be very addictive. I look around sometimes and I can see some people are affected because they're losing their social skills, and manners, you go out to dinner, see a group of people, and half of them if not more are all on their phones instead of having a conversation and socialising, laughing and joking. They're all glued to their phones."

Female Participant, 18-25, Group 1

"It is a dumb society, kids are getting more stupid. It's shocking."

Male Participant, 40-50, Group 2

"I mean, I go to pub quite a lot. People in the pub are on the phone, they are not drinking, they are on the phone all the time."

Male Participant, 30-40, Group 1

However, some found that phone use was not a problem for them. This tended to be the opinion of older participants:

"I've had a mobile since the mid 90s but I don't feel addicted even now you've got smartphones and everything. If I left the house without it I wouldn't go back, even if I was out the whole day."

Male Participant, 40-50, Group 1

Some participants spoke of a simpler time where technology was not prevalent. Interestingly, these tended to be the younger participants:

"I think people coped back in the day. I wasn't around then. I don't know when the first mobile phone or whatever was first invented, but everyone grew up just fine just having books"

Female Participant, 18-25, Group 1

Even among the older participants, there was a sense that with the instant availability of information had made society more concerned with instant gratification, less likely to read longer-form content when they could access short-form content almost immediately:

"I think people are less patient. You can get it all instantly. You expect everything quicker now."

Female Participant, 40-50, Group 1

There was also a worry that short-form, instantly available content has hampered critical thinking skills:

"They can get stuff, information but it's all on the screen. There is no thinking outside of the box you can't solve the problem without the phone"

Male Participant, 30-40, Group 2

However, that opinion was not unanimous, with wide recognition of the benefits instant access brings:

"I think it's brilliant. I know what you're saying about people looking less patient but why would you want to spend ages looking up something if you can just find it instantly?"

Female Participant, 60-70, Group 1

Mental Health

As discussed in the literature review, there is mixed evidence as to whether digital technology, and more specifically social media, has any effect on our mental health. Our focus groups were less circumspect, with people generally perceiving the impact of social media to be negative in this respect:

"I think it affects people's sleep, people's mental health, people's wellbeing. With social media, although it does some good, it also leads to a lot of harm."

Female Participant, 18-25, Group 1

The ability to compare ourselves to many of our friends' seemingly perfect lives was raised:

"It seems to be magnified. When I was at school there were 30 girls for me to compare myself to but now with the internet, they've got hundreds that people compare themselves to"

Female Participant, 40-50, Group 1

"I feel like people don't have confidence anymore because people have quite low self-esteem. 'Cause online, you can put the perfect parts of your life and that's all everyone sees successful people want you to see that. People don't tell you about bad things, ... everyone thinks other's lives are so perfect."

Female Participant, 30-40, Group 2

There was, however, scepticism about the overall effect:

"I mean I wouldn't like to say anything because it would be based on supposition. How many mental health issues did people have before they were engaged in digital technology. A lot more research has to be done on that before we start thinking of ways of tackling it, but could be forcing those companies to become more responsible and not facilitate that kind of thing."

Female Participant, 60-70, Group 1

03.

The social role of publishing

It is important that the vast opportunities of online publishing do not come at the expense of the quality of content.

It is important that the vast opportunities of online publishing do not come at the expense of the quality of content. The past chapters have revealed that most challenges for reading online revolve not around the medium or style of content, but the substance of the content. This chapter will look at how to improve the quality of content and the structural incentives that might be able to prevent low-quality, harmful content that can have deleterious effects upon wellbeing.

The economic and social models underpinning the production of content for online markets are radically different from the models which preceded them in the offline world. In many cases the economics that incentivise the creation of risky, exploitative, and damaging content would never have been commercially viable in the traditional publishing industry.

Of course, democratisation of our content has offered a voice to those who have previously not been able to express themselves, enriching many areas of our cultural landscape. The detrimental impact on mental health, for example, is unlikely to be caused by the medium of delivery and more likely the content itself. Besides which, reverting to a world where the only written word is a physically printed one not only seems wildly impractical and potentially regressive but also avoids the crucial issue of how to build towards an economic model that incentivises quality and protects readers from harm.

This chapter therefore sets out the established social role of publishing across three key areas – the trust economy; encouraging reading and writing for pleasure; and peer review and research – before attempting to draw out some preliminary lessons about what publishing can offer the new content landscape in its desire to reduce harm and contribute towards a true society of readers.

The Trust Economy

Clearly, the publishing industry has a significant impact upon the British economy in material terms. According to research by Frontier Economics, the industry could contribute up to £7.8bn gross value added (GVA), employing up to 70,000 people when freelancers and the supply chain are taken into consideration.⁵⁶ Interestingly, this is equivalent to around £113k GVA per worker meaning that the UK's publishing industry is extraordinarily productive. The industry also enjoys a high-export profile, with physical book exports alone contributing a £1.1bn surplus to the UK's net trade position, a status which sees it as the largest physical book exporter in the world in real terms, not just per capita. When the UK faces a huge trade deficit and repeated Governments, of all stripes, have sought to boost the country's export profile, that would tend to suggest that maintaining publishing's competitiveness should be seen as a significant industrial policy goal (though it does also tend to suggest that the publishing industry, like all trade-sensitive industries, could be exposed to the impact of Brexit and future trade agreements).

However, in terms of publishing's social role, its role in shaping what might be called the "trust economy" is arguably more significant. As projects such as the Edelman Trust barometer demonstrate, British institutions are not in a strong position when it comes to trust.⁵⁷ Yet it is difficult not to see that the transformation in the content landscape

has played a significant role in eroding faith in our institutions, indeed even in our own confidence to judge information sources accurately – a study by the American Press Institute found that only 27% of Americans are personally optimistic that they can identify factual reporting as distinct from commentary and opinion.⁵⁸ Platforms have an impact here – in research conducted for the British Council in 2017, Demos found that only 16% of young people in the UK trusted news seen on Facebook, as opposed to 45% who trust established online news sites. Furthermore, 35% felt that it was fairly to very difficult to tell the difference between truth and lies on social media.⁵⁹

It is important to state that this profound erosion of the trust economy has not occurred overnight and nor clearly is it driven entirely by the changing nature of the content, media and information ecosystem. Nevertheless, the impact of social media – in news reporting and consumption in particular – is difficult to overstate. This is not only true when considering the content itself, but also the structural incentives of the attention economy social media has created: a paradigm shift in how news and information is sourced, funded, reported, received and communicated to the public has taken place.

The basic point here is that the funding stream for the new digital ecosystem is predominantly based on advertising revenue from third parties as opposed to directly from the customer. As Tim Wu's magisterial book *The Attention Merchants* highlights in depth, advertising as the primary funding source for information is nothing new and, in fairness, there are some upsides – it is frictionless, free and inclusive (i.e. disadvantaged people enjoy the same access point in price terms) and clearly maximises convenience.⁶⁰ Nevertheless, the move towards a content ecosystem dominated by and ultimately gatekept by Google, Facebook and the other tech giants has materially changed the balance within the trust economy. The problems are becoming increasingly apparent – not just in terms of the online harms already discussed, but in terms of the challenges it presents existing, established, high-quality content producers. Organisations that previously enjoyed a key role in mediating democracy itself have found their business models rendered inoperable, slavishly tied to the whims of the social media algorithms. Faced with falling revenues, this has meant the techniques that work in the new content landscape become more widespread across the whole content industry. And so we arrive in a world of “clickbait”, “churnalism”, “listicles”, relentless data capture (with strong financial incentives for bending the rules), micro-targeted adverts and a trust economy that favours advertising metrics over more normative and subjective considerations – the bottom line over trust, time, quality and even truth.

The economic model of the publishing industry is clearly based upon a different approach. Whether purchasing a book or access to an academic journal, the end consumer is usually the one who funds the bulk of the publishing activity. This makes the economic self-interest of the content producer clearer and more direct, with a much greater emphasis on building a trusting relationship with the consumer. The length of the content matters here. Long-form content requires that deeper relationship – the consumer's attention must still be retained – but cheap sensationalism, of the sort that taps deep into our innate emotional responses, is not sufficient to engage the reader over time. This shifts the content-consumer relationship towards trust, because trust is necessary to establish that deep and sometimes magical bond between writer and reader.

But so much for expounding the obvious differences between high-quality published content and the ephemera of social media – what policy or societal lessons can we draw from this? Well, perhaps that, however impractical it may seem – not to mention the huge questions of liberty, free speech and concentrating elite power it raises – there may be, as our polling suggested, latent support for a more edited internet.

How this is delivered is difficult to fathom at this stage (we will discuss this more in the following chapter), particularly when there is a societal expectation that content on the internet will be provided free of charge, and with minimal friction – digital denizens expect to be allowed to upload, read and share content without having to wait for moderation or fact-checking procedures. The public are certainly voting with their wallets in this respect, at least in the news industry – currently only 7% of UK adults pay a subscription for online news services, while only 1% have donated to an online news source.⁶¹ Nevertheless, the continued robust health of the wider publishing industry, not to mention the growing popularity of services such as Netflix and Patreon shows that an appetite exists for payment and subscription-based models of content production.

More important, is the question of who would ever be trusted to step into the breach as content curators to deliver healthier online spaces. And here, perhaps is a role for the skills and expertise of the publishing industry. Because though our polling found trust in short supply, edited content, particularly from academic or expert sources, seemed to have an edge. And there is clearly some latent support for the view that providing access to accurate, well-edited information is a key function of the publishing industry.

Writing and reading for pleasure

It may seem obvious, but the societal importance of encouraging people, especially children, to read high-quality long-form content for pleasure (of their own free will, and anticipating satisfaction) cannot be emphasised enough, not only for educational outcomes but also emotional wellbeing.

Evidence shows that those children who are the most engaged with literacy are three times more likely to have higher levels of mental wellbeing than children who are the least engaged (39.4% vs 11.8%).⁶² A landmark OECD study conducted in 2009 found that children who read for pleasure daily or nearly every day are a year ahead in reading performance versus those who never do⁶³. From our analysis of the Millennium Cohort Study, we found that reading for joy correlates with happiness at school. 62.5% of children who read for joy are happy with their school work whereas only 49.6% of non-readers say the same.

Demos' recent report, *A Society of Readers* also found that reading has transformative potential as a policy intervention that could radically improve social outcomes on issues such as loneliness, social mobility and overall health & wellbeing.

Moreover, a major literature review by The Reading Agency found that among adults, the main outcomes reported were enjoyment, relaxation and escapism. This ties in with the sentiments expressed from our focus groups that reading for pleasure provides a

way to “recharge” from the stresses of everyday life. One participant who took an hour per day away from screens to read for pleasure said:

“It relaxes me, it clears my mind. Work is a very stressful performance based environment and having that hour away, just to sort of reset [...] I’m more proactive, and get better results.”

Female Participant, 18-25

This also aligns with our polling which found that almost half (46%) of UK adults find it relaxing to read a book, a key indicator of wellbeing.

There is also a strong body of evidence that suggests writing long-form content has significant benefits for mental health, memory, and overall wellbeing. Writing therapy is a recognised way of reducing stress, and increasing mental resilience. Writing about traumatic, stressful or emotional events has been found to result in improvements in both physical and psychological health. In a 2005 study, participants were asked to write about such events for 15–20 minutes on 3–5 occasions. Those who did generally had significantly better physical and psychological outcomes compared with those who wrote about neutral topics.⁶⁴

Improved memory is also associated with long-form writing. In 2001, a study looked at the effect of emotional disclosure through expressive writing on available working memory. Participants assigned to write about their thoughts and feelings about coming to college demonstrated larger working memory gains 7 weeks later compared with 36 writers assigned to a trivial topic, and the study found that expressive writing reduces intrusive and avoidant thinking about a stressful experience, thus freeing memory resources.⁶⁵

Conversely, writing about positive life experiences also produces positive outcomes. A 2009 study tested the potential to elicit a broadened attentional focus through writing about a positive life experience and to derive health benefits from such writing. Participants wrote for 20 minutes each day for 3 consecutive days about either a positive life experience or a control topic. Writing about positive experiences led to improved physical health (measured 4–6 weeks after writing) compared to a control group.⁶⁶

In terms of the publishing industry, the policy lessons we can draw from the overwhelming evidence in favour of encouraging reading and writing should be self-evident. That is, without a flourishing publishing industry, the conditions for a genuine society of readers – or writers – simply does not exist. Equally, without sufficient policy support for reading and writing – particularly in the education system – the conditions for a flourishing publishing industry are not precipitous either. Therefore, it stands that a strong publishing industry should want more policy support for reading and writing, and vice-versa, a desire for a society more inclined to reading and writing is contingent upon a strong publishing industry.

Where the policy task becomes more difficult however, is ensuring, in the age of the attention economy, that we are creating a reading environment that allows people to concentrate long enough to enjoy long-form content without being distracted. This is

particularly important for those who might only be able to access their information and content online which, as the National Literacy Trust has shown, is more likely to be the case for disadvantaged young people (which is also one reason why calling for restrictions on screen time could have a counter-productive impact in terms of social justice).⁶⁷

Peer review and research

In theory it could be argued that with the advent of digital media, there should be as few limitations on the publication of content as possible, and that it is ultimately the responsibility of the individual to discern fact from fiction. However, as we have outlined, this point of view is not without its problems. Our polling found that public trust in social media's ability to deliver both impartial accurate information, and high-quality, thought-provoking content is low (11% and 13% respectively). Conversely, academic sources were the most trusted (30% and 35% respectively). That should spark policy interest in peer review and its ability to generate trust, given that peer review remains the primary mechanism for maintaining quality within the academic world. A 2015 study of how trustworthiness is determined found that peer review remains "king" in the digital age, being "the most trustworthy characteristic of all."⁶⁸

Frequently used in academic journals, peer review is a process whereby an author's work is scrutinised by "experts in the same field"⁶⁹ – the advantages of which are obvious. The system of peer reviewing creates "a trusted form of scientific communication."⁷⁰ This is especially important in a field where "knowledge is cumulative and builds on itself".⁷⁰ It acts as a significant obstacle for low-quality research and content and provides credibility to research that can be substantiated.

It is also fundamentally conducive to trust in the reader. Research that has been peer reviewed, thoroughly checked and scrutinised creates a certain level of assurance. A reader can usually have the assurance that a peer reviewed piece of research is of a high-quality.

However, as with all editorial processes, it can be time consuming – taking several hours of time from academics who are usually not paid to undertake the reviewer role. It has also been claimed that the peer review mechanism acts to stifle "new and fresh knowledge and new developments [in] the scientific community".⁷¹

04.

Reforming the reading environment

We set out a range of proposals for shifting the balance in the attention economy toward the production and curation of high-quality content.

Change brings new challenges, as well as new opportunities. It is never possible to halt the tide of technological innovation, and nor should we. People now have access to more information at their fingertips than at any time in human history, and if well managed, the internet remains a source of extraordinary potential for human flourishing.

But as this report has shown, new ways of reading have been accompanied by new harms. The role of government and civil society, when confronted with innovation, is to identify those harms, and introduce new regulations, incentives or systems that minimise them.

This chapter looks at the policy and regulatory landscape in which content is being produced today, and recommends ways to minimise harm, without trampling on the creativity and diversity of the online environment. We set out a range of proposals for shifting the balance in the attention economy toward the production and curation of high-quality content. We put forward ideas to improve the economics of producing that high-quality content. And, recognising the vital importance of reading to a healthy society, we recommend changes that will give individuals and communities a better chance to experience the joy and connection that comes from a great book.

A Rebalanced Attention Economy

The first step to creating a less harmful and more enlightened content environment is to understand more about it. At the moment, our knowledge base on what makes a healthy, community-spirited online space is painfully limited, but it is quite clear that the design architecture of platforms and online communities makes a substantial difference to their ethos. Not all online spaces and communities end up like angry Twitter threads or the YouTube comments channel – some like Wikipedia (a crowdsourced online encyclopedia), Stack Overflow and GitHub (forums for software developers), and even football fan forums are tremendously successful examples of civic-spirited, self-regulating, collaborative enterprises. Understanding more about the design, behavioural and psychological impulses that drive healthy online spaces such as these should be seen as one of the most important areas of public policy research. So whilst it can be something of a cliché to call for more research as a policy recommendation, this is one area where it is certainly justified:

Recommendation 1: The Government and universities should commission further research on the design and behavioural factors that lead to healthier, more community-spirited online spaces.

However, what we have clearly identified throughout this project is latent support for our online spaces – and the trust economy in particular – to become more ‘edited’. Our research seems to indicate that the public supports the idea of online spaces being edited to a much greater degree than simply excluding illegal content. They would in many cases prefer the owners of these platforms to perform a gatekeeping role: to make sensible, judicious, even-handed, impartial decisions about content in their online spaces. In short, they are asking for online content to be curated by publishers.

This, in a roundabout way, is the principle also accepted by the Government’s Online

Harms White Paper. That some content is harmful and should never pollute our online spaces seems to command widespread support amongst the public and policymakers. The challenge of course is to turn that impulse into something more practical.

This is difficult for a number of reasons. First, there are legitimate moral concerns that policing online expression raises about free speech, and the constantly litigated question of where to draw the boundaries between harmful and merely offensive content. Whilst policy making in this space must be closely informed by what the public thinks, when considering some of our most fundamental rights and liberties we must ensure that public opinion is not the only guiding consideration.

What's more, we live in a world with a content landscape, alongside entire online economies, geared towards frictionless, free media. And just because people are unhappy with social media companies and the trust economy as it stands, it should not be therefore assumed that they would support a move towards a different approach – paid subscriptions for example – to become the dominant model of disseminating content online. Research by internet theorist Erik Brynjolfsson has suggested it would take surprisingly large sums of money for people, as a cash incentive, to give up their access to this model of social media or online search.⁷² This calls for a careful balance to be struck and we make two recommendations:

Recommendation 2: The Government should work with and fund the publishing industry to develop a 'Citizen Editors' voluntary training scheme.

Recommendation 3: As part of the Digital Charter initiative, the Government should look to develop a public service publishing ethos, which should apply to all publishers, including technology platforms. The long-term priority should be to ensure that the public service publishing considerations materially alter search engine optimisation and content-promoting algorithms, so that harmful and poor-quality content is less valued.

The model we are striving for here remains a voluntarist one: self-regulation of our online spaces. The best online communities seem to be self-policed, with a strong shared ethos. However, it is quite clear that this is going to require adaptations – not least, over time, a move towards developing the 'online content moderator' into a key professional position in the future trust economy. When one considers how dark harmful content can be, and the negative experiences of many already working as moderators⁷³, this is not a position that many will be happy to fulfil – and it will require significantly more technological and psychological training when it becomes further professionalised.

In the meantime, the Government should work with experts in the publishing industry to introduce a voluntary 'Citizen Editors' training scheme for those who mediate our online spaces – from Facebook groups, to football message boards and fandom communities – to become better at content moderation. This programme should be modelled on the successful Community Organisers Expansion Programme, which has trained people in the skills needed to mobilise local people toward shared action, recognising that these skills do not just come naturally, and can be nurtured.

The incentives that drive the attention economy will need to change too. From a normative

standpoint, emotionally exploitative or even inaccurate content should not be prioritised by search engine or social media optimisation algorithms just because it is more immediately clickable, or promotes more engagement. This suggests the need for a shift away from foregrounding material solely because it has proved to be popular, and towards an approach which takes the quality of that content into account. For many platforms, this would be a seismic, and potentially fatal, change to their approach to content recommendation.

In broadcasting, there are a range of platforms, each bound by a different level of public service obligation. The BBC is a public-service-only broadcaster, in the UK at least. Other broadcasters like ITV are commercial, but have public service obligations, such as the amount of advertising they are permitted to broadcast, and the provision of a news channel. Finally, satellite and digital channels are even less regulated.

This public service obligation model could be recreated for providers of online content. One interesting model, suggested by the economist Diane Coyle, would be to create a BBC equivalent: a public service rival to the major online platforms. This may seem fanciful and, for now, should not be the aim – but nor should it be ruled out entirely if our online spaces fail to adapt.

Whether a public-service-only model is pursued or not, a middle ground could be established to create the equivalent of the public service obligations placed on some commercial broadcasters. This would be a range of publishing standards that technology companies should voluntarily adhere to in order to be categorised as “public service publishers”. The goal would be to create a positive incentive for search and social media companies to take seriously the need for their algorithms to make judgements about quality when optimising their results. This will not be easy, but recent developments toward automated fact-checking, enabled by AI, suggest the technology is within reach.

One area that needs urgent attention, however, is to ensure that the reading environment is protected from the intrusions of notifications, targeted advertising, and other interruptions that can undermine the reader’s ability to absorb information or be transported by narrative.

There have already been some encouraging steps taken in this area on a voluntary basis, with Apple adopting ‘Do Not Disturb’ and ‘Screen Time’ monitoring facilities on their devices. However, these features are far from the universal standards implemented, for example, to counter dangerous levels of sound from headphones.

The bottom line is that it is absolutely vital that young people in particular should be able to read online in a more mindful manner, without being subject to the bombardments of the attention economy. Therefore we recommend that:

Recommendation 4: The Government should work with tech companies to develop new product standards that can allow users to control their settings more easily or that have default settings that promote a better reading environment. For example, a ‘reading mode’ could immediately switch online browsing on smartphones to optimal settings for reading (e.g. blocking distracting pop-ups/adverts).

Finally, there is the huge social challenge that is young people's mental health outcomes. As we have seen from our Millennium Cohort Study analysis, the attention economy is perhaps not a benign influence in this worrying development. This is not the place for a lengthy array of policies that could help improve young people's mental health outcomes. However, we do feel that the Government has lost sight of one of the most important systemic responses to this and the online world – the promotion and strengthening of good moral character, otherwise known as character education. There are many policies that flow from this – encouraging character education pedagogies in teacher training; encouraging Ofsted to make sub-judgements within inspection criteria; a greater focus on extra-curricular activities – but in truth effective character education requires a whole school or college approach.

Recommendation 5: The Government needs to reinvigorate the character and resilience education agenda in all schools, colleges and adult education settings. This should be incorporated into Ofsted's new inspection framework.

Support for quality content creators

The next step is to realise and support those we know who produce high-quality content. The publishing industry has acted as a font for a healthy supply of high-quality, long-form content. The UK Government has traditionally recognised this fact by keeping printed books VAT exempt, so as not to impose "a tax on knowledge".⁷⁴ The same cannot be said for eBooks, which remain subject to tax at the full 20%. This has created a digital double standard which has, in part, stifled the immense opportunities the digital platform brings.

We believe that levelling this VAT treatment would act as a spur for the production and consumption of high-quality content in the modern attention economy. Of course there will always be those who prefer printed books, but such a change could release a flood of good quality content which as of yet has remained untapped. It would encourage diversity and innovation among online content producers with a new incentive for consumption, and ensure a more healthy supply of high-quality information into the rebalanced attention economy. We therefore recommend that:

Recommendation 6: The Government should zero-rate VAT on eBooks, audiobooks, digital newspapers, journals and other online publications.

As we have discussed in the previous chapter, the traditional guardians of the trust economy have had their business models rendered inoperable. Local news in particular has suffered – the number of full-time frontline journalists in the UK industry has dropped from an estimated 23,000 in 2007 to 17,000 in 2019, and the numbers are still swiftly declining.⁷⁵ We desperately crave innovative methods for rejuvenating revenue streams in the wake of the substantial changes we have outlined. In the wake of the Cairncross Review into the future of sustainable journalism, the Culture Secretary, Jeremy Wright pledged to pursue a model of charitable funding for journalistic activity. We welcome this, as a hugely important source of content for democracy, and recommend that:

Recommendation 7: The Government should make sure both it and The Charity

Commission deliver on recent promises to enable the philanthropic funding of public interest journalism, as recommended by the Cairncross review.

While commercial profitability of writing is extremely important for sustaining innovative writing, authors retain several other streams of revenue. The Society of Authors, the trade union for writers, illustrators and literary translators, estimates that in between 2015-2018, Arts Council England expects to spend approximately £46m on literature from a total budget of over £1.3bn, which represents just 3.5%.⁷⁶ Arts Council England could allocate more of its significant budget towards supporting grants that enable, among other things, training and mentoring to writing talent in the UK.

In the wake of Brexit, the industry risks losing a vital source of income, namely the funding from Creative Europe, which brings in an estimated £18.4 million per year to the UK.⁷⁷ It also serves as a primary conduit for British works to be translated to other European languages, strengthening Britain's cultural capital. We therefore recommend that:

Recommendation 8: Arts Council England should spend more on literature and the Government should encourage it to do so. It should also ensure that the UK retains its membership of Creative Europe, with funding access, after Brexit.

As the UK's current copyright legislation is woefully out of date, there is a desperate need to modernise. However, the changes proposed by the recently passed EU Copyright Directive have the potential to completely change the way content is purveyed on the internet, which have in turn made it incredibly controversial, especially articles 11 and 13.

Article 11 essentially allows journalists to charge social media companies for posting content on their sites, ostensibly reclaiming click revenue that has been lost as a result of just the headline being read, and not the full article.⁷⁸ The intention behind this has been to protect the rights of journalists for their content. However, this has created the worry that small and medium sized publishers could lose out, due to platforms such as Google and Facebook pulling their content off the platform entirely. This also presents the need to strike a balance between free expression and fair compensation for the content produced. We propose that publishers be put in control of their right to claim their material, but not to the detriment of free expression.

Recommendation 9: The Government should consult with the publishing industry on a potential publishers' waiver on the Article 11 of the Digital Single Market Directive. The objective should be to put publishers themselves in control of their own rights, so that they can pass on their licence to publish if they choose, but be compensated by tech companies, as Article 11 recommends, if they prefer.

Reading and Writing in Society

The final step is to transform the UK into a society of readers and writers, by passing on a true love and passion. To do this, we must protect the physical spaces where those seeking refuge from the attention economy can go.

There is a mountain of evidence that libraries provide an overwhelming boost, not only to literacy and wellbeing, but also to economic prosperity.⁷⁹ For children particularly, libraries provide a safe space to engage with high-quality, published content. Therefore we recommend:

Recommendation 10: The Government should invest in school and college libraries with the ambition that all schools can provide access to safe reading spaces that protect children from the attention economy whilst they read online.

In *A Society of Readers*, we advocated for two schemes: a summer entitlement to reading, and a national lifetime book gifting scheme. We would like to repeat our calls for these, while emphasizing the importance of both reading and writing.

A Society of Readers uncovered ample evidence of the scarring effect of the school summer holiday upon social mobility and disadvantaged educational attainment. This is an issue that a whole host of vested interests all too regularly duck – and Demos has long been open to a reform of the school calendar. However, even if the school holiday was reduced to 3 weeks that is, at best, a mitigation strategy. The basic problem is that outside of school, privilege will always flex its social capital muscles, with dire consequences for educational attainment, social mobility and loneliness too. Therefore, we believe it is time for the Government, working with reading charities, to develop a universal entitlement for disadvantaged children to enjoy sport, reading and cultural enrichment over the summer holidays. The evidence shows that reading programmes – such as the Summer Reading Challenge (see Chapter Three) – can prevent the ‘summer slide’ for disadvantaged kids, and many programmes do already exist. But they are not universal and many more disadvantaged pupils should take part in reading and cultural enrichment programmes over the summer.

Recommendation 11: The Government should work with reading charities to ensure that all disadvantaged children enjoy an entitlement to a universal summer reading and creative writing programme over the summer holiday as part of a broader cultural enrichment strategy.

We believe a crucial part of this encouraging reading will be encouraging a state-sponsored book gifting scheme. There are a number of civil society-led book gifting schemes that already give books to people at different stages of their life – for example, the Book Trust’s ‘Bookstart’ scheme that gifts books to children in their early years. Evaluators find it “is undoubtedly an important element in supporting parents to develop book sharing practices.”⁸⁰ The Government should certainly not aim to assimilate these schemes into a state-backed one and should work with charities to draw upon their expertise. Nevertheless, we believe that it would say something subtle but profound about who we are as a nation – and the centrality of reading within that – if the state were to enshrine book gifting as an entitlement at key stages of a citizen’s life, such as: starting school, leaving school, entering the labour market, leaving prison, reaching state pension age.

Recommendation 12: The Government should develop a national lifetime book gifting scheme, enshrining book ownership and reading as a key citizen entitlement. It should also work with publishers to explore the possibility of public book banks, run by Reading Ambassadors.

Conclusion: Towards a digital
social charter

The digital era is radically transforming the way we read and publish information, and with this transformation there will be challenges and opportunities.

This report has focused on how the changing world of publishing and consumption of content is affecting individuals and communities, offering policy solutions to ensure these impacts are well-managed. In a time when information is instant, the report has found the most pressing of challenges to be that of quality and substance of content. The focus for policymakers, therefore, must be striking a balance between the benefits of open, online publishing world with the quality and substance of its content. We believe the best way to achieve this is by working with individuals, technology companies, the publishing industry, and governments to ensure everyone plays a role in regulating this online world. We think of this as a digital social charter: a common effort to secure common rewards.

The evidence around the direct impacts on physical and, to a lesser extent, mental wellbeing of individuals consuming content online remains inconclusive. We therefore believe more research should be done to help governments and tech-companies design healthier online spaces.

To ensure quality, we should be considering what can be done by governments, individuals and tech companies to create better online spaces. The Government and technology platforms in particular should be looking at how to make online platforms provide the best environment for reading online, from creating algorithms, to ensuring the highest quality content reaches readers, to developing standards for online products that enable readers to tailor their own settings. And last, but not least, individuals can also do more; publicly trained voluntary 'Citizen Editors' could become stewards for our online content, safeguarding users from online harms.

There is also more we can be doing to ensure what is posted online is of high-quality. The current business model in the 'attention economy' can sometimes incentivise low-quality content, or misinformation. To compensate this government can do more to support good quality. A zero-rate VAT could help online publications continue to provide content of high-quality, free at the point of access. In addition, the government can guide our public institutions, such as The Charity Commission and Art Council England, to do more to support the online publishing industry.

All the while, we should not forget the original reading community. As this report has highlighted, and the previous Demos report *A Society of Readers* has found, the benefits of reading are huge: from fighting loneliness to improving mental well-being. And just because we are increasingly reading content online, this should not come at the cost of offline content. We therefore believe more should be done to preserve and build on our 'society of readers' today in the UK. This can come from investment in spaces and skills, as well as capitalising on social networks through schemes such a 'national lifetime book gifting scheme' to help everyone continue to read.

Appendix One: Methodology for Millennium Cohort Study Analysis

The Millennium Cohort Study (MCS) is a national longitudinal birth cohort study following the lives of around 19,500 children born in the UK between January 2015 and April 2016. The MCS is one of the most comprehensive longitudinal studies providing information on the cohort's demographics, behavioural development and life experiences.

Our analysis is based on the MCS Wave 6 which is the most recent dataset collected from January 2015 to March 2016. The Wave 6 dataset was collected from 11,872 cohort members when cohort members were 14 years old.

Our study explores how three variables – time spent on social media, the internet and reading for joy – impact life happiness, wellbeing and health and body image of the cohort which took part in MCS Wave 6.

We defined three groups to analyse the impact of time spent on social media. A low social media use group is defined as those who use social media up to one hour per day (35 percent), medium social media use is defined as one or two hours per day (32 percent) while high social media use is defined as three or more hours per day (33 per cent).

A low internet use group is defined as those who spend less than one hour on the internet (11 percent), a medium internet use is defined as more than one hour or less than 5 hours (55 percent) and high internet use is defined as more than 5 hours and less than 7 hours on the internet (34 percent).

A frequent reader group involved people who read most days, at least once a week and at least once a month (34 percent) whereas a not frequent reader group is defined as people who read several times a year, once a year or less and never or almost never (61 percent).

We inquired into the questions on life happiness in general, happiness at school, social relationships, consumerism, body image, wellbeing and mental health and moral attitudes. We explored the gendered differences.

We ran a regression analysis to assess the strength and significance of the association.

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Full Fact

Report on the Facebook Third Party Fact Checking programme

Jan–Jun 2019

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Published by Full Fact, July 2019

Registered Charity number 1158683

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Executive Summary

Since starting work with Facebook on the Third Party Fact Checking programme in January, the first three months were Full Fact's familiarisation period. The following three months were focused on trying to expand our coverage in specific areas that we identified as important, notably health information.

For this period our goal was to understand the nature of the challenges we would be facing from online misinformation on Facebook, to understand and discuss the kinds of editorial choices we need to make within the rules of the programme, and to develop operating guidelines to govern our future work on the Third Party Fact Checking programme.

This report sets out our experience so far and shares our draft operating guidelines. We welcome your feedback on them. We expect that future reports will be briefer.

Our overall view at this point is that –

- The Third Party Fact Checking programme is worthwhile, and it is likely that something similar may be needed on other internet platforms too.
- We have been encouraged by some signs that Facebook is continuing to develop the programme based on feedback, and we believe that further development is needed
- We believe that Facebook's current rating system for the Third Party Fact Checking programme needs to change, and we have made other specific recommendations about how the programme can be strengthened.
- Fact checking depends on access to authoritative expert information, and in a world with more information than ever, where it's hard to know what's true and what's not, we believe government should do more to ensure trustworthy sources are available, for example in areas like public health and the law.

However, we raise two major concerns –

- **Scale.** Facebook's focus seems to be increasing scale by extending the Third Party Fact Checking programme to more languages and countries (it is currently working with fact checkers across 42 languages worldwide). However, there is also a need to scale up the volume of content and speed of response.

This, again, is an industry-wide concern relevant to other internet companies too.

- **Opacity.** We want Facebook to share more data with fact checkers, so that we can better evaluate content we are checking and evaluate our impact.

Key recommendations

We make eleven recommendations based on our experience of the programme so far. Ten of these are recommendations for action Facebook should take; one is a longer term recommendation for government.

Recommendations for Facebook

- **Recommendation 1:** Continue developing tools that can better identify potentially harmful false content including repeated posts
- **Recommendation 2:** Provide more data on shares over time for flagged content
- **Recommendation 3:** Add a ‘Mixture’ rating which does not reduce the reach of content
- **Recommendation 4:** Add an ‘Unsubstantiated’ rating
- **Recommendation 5:** Add a ‘More context needed’ rating
- **Recommendation 6:** Add a rating for humorous posts other than satire or pranks
- **Recommendation 7:** Develop clearer guidance on how to differentiate between several claims within a single post
- **Recommendation 8:** Share more data with fact checkers about the reach of our fact checks
- **Recommendation 9:** The Third Party Fact Checking programme should expand to fully include Instagram content
- **Recommendation 10:** Be explicit about plans for machine learning

Recommendations for government

- **Recommendation 11:** The government should review responsibilities for providing authoritative public information on topics where harm may result from inaccurate information and fill gaps

The production of this report


This report was drafted by staff at Full Fact with input from everybody involved in our work under the Third Party Fact Checking programme. The contents are the responsibility of the Chief Executive. They may or may not reflect the views of members of Full Fact's cross-party Board of Trustees and they are not the responsibility of Facebook or any other organisation named in the report.

This report has not been shared in advance with other fact checkers who are part of Facebook's Third Party Fact Checking programme. However, we would be particularly grateful for feedback from other fact checkers.

According to the approach we agreed before joining the Third Party Fact Checking programme, this report was provided in draft to Facebook on 5 July 2019, with an invitation for Facebook to provide feedback and to respond publicly.

Facebook's response

Facebook have responded: “Our third-party fact-checking programme is an important part of our multi-pronged approach to fighting misinformation. We welcome feedback that draws on the experiences and first-hand knowledge of organisations like Full Fact, which has become a valued partner in the U.K.

We are encouraged that many of the recommendations in the report are being actively pursued by our teams as part of continued dialogue with our partners, and we know there's always room to improve. This includes scaling the impact of fact-checks through identical content matching and similarity detection, continuing to evolve our rating scale to account for a growing spectrum of types of misinformation, piloting ways to utilise fact-checkers' signals on Instagram and more. We also agree that **there's a need to explore additional tactics for fighting false news at scale** .

We look forward to continued collaboration with Full Fact and our more than 50 global fact-checking partners.”

Editorial independence

Facebook has not sought to influence Full Fact's editorial choices. In particular, Facebook has never asked Full Fact to fact check or not to fact check any specific post, or to give or change any rating, or to treat

any publisher in one way or another. This notice will appear in all future quarterly reports unless there is any reason to modify it.

Facebook provides us with a queue of publicly-shared posts that Facebook has identified as potentially needing fact checking using its own systems. We do not know except in the broadest terms how these posts are chosen. What we have seen included in the queue so far strikes us as what you might reasonably expect such a system to include, although at this stage we have not formed a view on what it may be missing.

A brief overview of how the Third Party Fact Checking programme works

The queue

Fact checkers working on the Third Party Fact Checking programme are provided by Facebook with a “queue” of content (such as text posts, images, videos and links) that it has identified as possibly false. Each fact checker’s queue is generated specifically for the territory they operate in; our queue is supposed to prioritise UK-centric content.

We do not know exactly what metrics Facebook uses to determine what goes into the queue, but we do know that it is a combination of Facebook users flagging the content as suspicious, and Facebook’s algorithms proactively identifying other signals that might suggest it is false (such as, for example, comments underneath saying “this is fake”).

The queue also includes information on the total number of shares each post has received, and the date it was first shared on. (Since the period this report covers, while it was being written, Facebook has also added information on the number of users who flagged the content, and the number of shares in the previous 24 hours.)

Fact checkers can bookmark items from the queue, to examine later and eventually attach any published fact checks to.

We are also able to proactively add posts to the queue which we have found through our own monitoring and fact checking, for example website links or Facebook posts. The posts we add must be rated either ‘false’ or ‘mixture’. So far we have added one post on health: a Facebook status with almost 60,000 shares claiming a tampon could be put in a stab wound. We added another on whether there was a legal ban on British media reporting on the Yellow Vest protests in France.

From our experience so far, the majority of items in the queue are not things that we either would or could fact check: they may be statements of opinion rather than factual claims, news articles about widely accepted events, or random links that are nothing to do with

factual claims at all (there was a period when there were a surprising number of Mr Bean videos.) This does not seem unusual to us; it is roughly what we would expect at this stage since launch, especially as user behaviour in terms of flagging, and the precision of Facebook’s algorithms in terms of identifying useful signals, may both need time to adjust.

“Attaching” a fact check

Once we have researched, written and published our fact check on our website, the Third Party Fact Checking programme enables Full Fact to “attach” the fact check article to the content on Facebook. This is through an interface on the queue in which we include:

- the URL of our article
- one of nine possible ratings chosen from a drop-down menu (see below)
- and a brief headline with a rating statement at the front (e.g. “FALSE” – although this text is not restricted to the exact wording of the ratings in the drop down menu, and we have occasionally used other phrases such as “context needed”).

The same fact check can be attached to more than one piece of content (for example, if the same claims appear in multiple posts).

There is also an option to have Facebook apply the fact check automatically to “identical content”, which we understand to mean only genuinely identical content – the exact same image or exact same text.

What happens next

Depending on the rating applied by us, Facebook may take additional action – for example, reducing the distribution of the post if it has been rated false.

Users who then want to share the post that we have fact checked will receive a notification about our “additional reporting” on the topic, which includes the short headline we added when attaching the fact check, and a link to the fact check on our website.

If they still want to share the post, they can click “continue” and will be able to share it.



Ratings

There are nine possible ratings fact checkers can apply to content under the programme: False, Mixture, False Headline, True, Not eligible, Satire, Opinion, Prank generator, and Not rated.

Of these, only False, False Headline and Mixture are used by Facebook to reduce the distribution of content, and to notify users if they have shared something that has been fact checked.

The following is how Facebook describe each of these ratings:

False: The primary claim(s) of the content are factually inaccurate. This generally corresponds to “false” or “mostly false” ratings on fact-checkers’ sites.

Mixture: The claim(s) of the content are a mix of accurate and inaccurate, or the primary claim is misleading or incomplete.

False Headline: The primary claim(s) of the article body content are true, but the primary claim within the headline is factually inaccurate.

True: The primary claim(s) of the content are factually accurate. This generally corresponds to “true” or “mostly true” ratings on fact-checkers’ sites.

Not eligible: The content contains a claim that is not verifiable, was true at the time of writing, or from a website or Page with the primary purpose of expressing the opinion or agenda of a political figure.

Satire: The content is posted by a Page or domain that is a known satire publication, or a reasonable person would understand the content to be irony or humor with a social message. It still may benefit from additional context.


Opinion: The content expresses a personal opinion, advocates a point of view (e.g., on a social or political issue), or is self-promotional. This includes, but is not limited to, content shared from a website or Page with the main purpose of expressing the opinions or agendas of public figures, think tanks, NGOs, and businesses.

Prank generator: Websites that allow users to create their own “prank” news stories to share on social media sites.


Not rated: This is the default state before fact-checkers have fact-checked content or if the URL is broken. Leaving it in this state (or returning to this rating from another rating) means that we should take no action based on your rating.

Overview of what Full Fact has done in Jan–Jun 2019

Fact checking

In January we attached ten fact checks to 16 pieces of content on Facebook's fact checking queue. In June, we attached 19 fact checks to 58 pieces of content. **All the content we've written as part of the Third Party Fact Checking programme can be viewed at fullfact.org/online** .

Of the 96 fact checks we've published as part of the Third Party Fact Checking programme up to 1 July, 59 rated the claim(s) as 'false', 19 were rated 'mixture', seven were rated 'opinion', six were rated 'satire' and five were rated true. None have been rated as 'false headline', 'not rated', 'not eligible' or 'prank generator' yet.

Over the six months, **one claim on the queue was deleted before we could attach our fact check to it** . That was a post on wind turbines not taking as much energy to build as they release.

There was no situation that we treated as a 'Major Incident' (a breaking news event such as a terrorist attack requiring urgent fact checking) in this period.

Developing operating guidelines

All of Full Fact's editorial work is governed by editorial guidelines to ensure we meet our charitable standards. The Third Party Fact Checking programme needed specific operating guidelines

During this period, every post has been reviewed through our normal review process, which involves the claim being fact checked and then the fact check being reviewed, including sources, methods, and for example calculations, by one or more other fact checkers.

Additionally, in these six months each post has also been reviewed by our Editor before publication and during the period in which we were developing our operating guidelines they were also reviewed by our Chief Executive. We have held regular discussions among the whole editorial team, and with the Chief Executive, to consider hard cases and lessons learned.

Although this has been time consuming, it has provided a solid basis for ensuring that we take a robust and consistent approach to the editorial challenges of the programme.

This work and experience has led us to develop robust operating guidelines that will allow us to work quickly while securing our charitable standards. The draft guidelines are included in this report and we welcome feedback.

We have also developed an initial Major Incident procedure, which is included in this report.

Liaising with Facebook and other fact checkers working on the programme

Full Fact takes part in calls with Facebook and other fact checkers working on the programme, organised by Facebook. Facebook also organises regional meetings for the same purpose. We attended a meeting with European fact checkers in April.

We regularly liaise with other fact checkers separately from Facebook to discuss our experiences and learn from one another as well.

Assessing and reporting on the Third Party Fact Checking programme

Full Fact committed to reporting regularly on the operation of the programme when we began work in January 2019. The first of these reports was unavoidably delayed due to staff absences, with the result that we took the decision to combine the reports on the first two quarters into one. We will be releasing reports quarterly from this point on.

We have devoted time to internal discussions of what we are learning and to producing this report, which we hope is of value to Facebook, to other internet companies, and to anyone seeking to scrutinise their or our work.

We anticipate that future reports will be shorter once Full Fact's work on the programme is in more of a steady state. However, we hope and expect to see continuing improvements in the operation of the programme.

We are grateful to Facebook for agreeing to this condition of our participation. It is important and necessary for Full Fact as a charity

that exists for the public benefit to be transparent and accountable about our assessment of the public benefit of the work.

Building networks

Full Fact's experience of fact checking is that our work is most effective when we work closely with people and organisations with deep subject expertise. This allows us to be faster, more rigorous, and more comprehensive. In other contexts we have worked closely with leading academic experts in different policy areas such as the Institute for Fiscal Studies, Oxford University's Migration Observatory, and the UK in a Changing Europe project from the Economic and Social Research Council.

Fact checking online content, including but not limited to the content we see under the Third Party Fact Checking programme, has taken us into subject areas where we need to broaden our networks.

Fact checking issues of public health, of the kind that often arise on Facebook (rather than claims about health policy, the NHS and so forth) goes beyond Full Fact's established in-house expertise. We have therefore begun setting up meetings with different expert organisations who might be able to help ensure our content is relevant, timely and that we're targeting the biggest problem areas for health misinformation.

We would welcome contacts from any organisation that might be interested in working with us, particularly in the field of public health.

So far we have had conversations with among others Alzheimer's Society, Anthony Nolan, and the Vaccine Confidence Project at the London School of Hygiene and Tropical Medicine. We've also reached out to dozens of other organisations and are working to identify more we can approach to help us in our work.

We had an exploratory meeting with representatives from the Association of Police Communicators (APCOMM) to discuss how we might establish lines of communication in the event of a major incident and in due course we may update our Major Incident procedure if we create any formal mechanism for doing so. This would be reported in our quarterly report.

We are concerned that we are finding areas where it is hard to find sources of impartial and authoritative expert advice, especially from organisations that are capable of responding in time to be relevant to modern online public debate. We address this in the recommendations.

Funding

The total fees Full Fact has earned from Facebook for work on the Third Party Fact Checking programme during Jan–Jun 2019 is \$171,800.

The amount of money that Full Fact is entitled to depends on the amount of fact checking done under the programme.

After completing our first three months of work on the programme, and having developed our editorial approach to the project, in April Full Fact hired one new fact checker to add to our existing team's work.

Observations from our work

Specific topics of interest

Health

At least 18 pieces have come under the general banner of health as part of the Third Party Fact Checking programme: on subjects from **side effects of the pill** [↗](#) and **whether chemicals in bath products can induce labour** [↗](#), to emergency scenarios like **whether cough CPR works** [↗](#), and **whether a tampon can help someone who's been stabbed** [↗](#).

We have often found it difficult to get answers on these health claims, and had a particular case where **we were bounced between 13 different press offices trying to get to the bottom of the Radox and labour claim** [↗](#).

Vaccine-related claims have been the most numerous health-related claims in the queue. These often require specific expertise which goes beyond Full Fact's in-house expertise, so in the first six months we focused on building up connections with experts in relevant area. This should improve the quality and speed with which we can fact check vaccine-related claims going forward.

Police

Several claims appearing multiple times on the queue (**this 999 call image is misleading** [↗](#) and **two pieces on speed limits** [↗](#)) involved contacting the police to fact check claims circulating online with limited evidence. We suspect more of the Third Party Fact Checking work will involve research of a similar nature.

Some case studies that have informed our recommendations

Satire

One common problem we had was around humorous posts, which many people may have misunderstood as being real. **At the launch of our participation in the programme** [↗](#), we had said in multiple blog posts that “We'll only be checking images, videos or articles presented as fact-based reporting. Other content, like satire and opinion, will be exempt.” This was badly phrased: we should have said we'd be checking all these types of content, but satire and opinion are

exempt from having their distribution on news feeds impacted because of our ratings.

We fact checked one post that claimed (as a joke) that **the BBC was adding Arabic subtitles to EastEnders** [🔗](#) – many readers had seemingly interpreted it as a real news story. While in the end we were actually unable to attach our fact check to the content on the queue because there were some technical issues with the queue, **we nonetheless received some push back from the original piece’s publisher** [🔗](#) who felt we should not have fact checked it at all. (There may be a need to communicate more clearly that the satire rating does not reduce a post’s distribution – indeed it is a signal to Facebook that they should not take action against the content.)

Most people wouldn’t call **the video purporting to show a police officer taking drugs** [🔗](#) satire, but that is how we rated it. The video was filmed as a joke, so giving it a rating that would damage its distribution seems inappropriate. Some commenters and the person who’d posted it (who wasn’t the original creator) did seem to think it was legitimate, and it had been shared over 34,000 times. Satire seemed the best rating, as its distribution would be unaffected and it would acknowledge in some way that the content was created for humour rather than to mislead. Going forward, rating jokes (or more widely people messing around online to be funny) as satire, is not ideal. We discuss this further in our recommendations.


Opinion


We rated **a claim comparing the population of Iceland and the number of homeless people in the UK** [🔗](#) as opinion. This was due to lack of a better rating, rather than us thinking the statement itself was what Facebook probably intended the “opinion” rating to be used for. The fact check itself addressed the claim that “there are now more UK citizens homeless than the entire population of Iceland”.

Our conclusion, in short, was that the two numbers are likely in the same ballpark. (The best available estimate from Shelter on the number of homeless people puts homelessness in Great Britain at 320,000 while the population of Iceland is around 360,000; the Shelter estimate is likely a low estimate due to the difficulty of collecting robust data on this issue). Therefore, it’s not possible to state definitively that the claim is true— but because it’s based on a likely underestimate, doesn’t include Northern Ireland, and the numbers are in the same territory, we felt it was a case where it was possible to have different reasonable


interpretations of the same evidence. As such, it would have been disingenuous to give it a false or mixture rating and see its distribution reduced as a result.

So we went with opinion, which means the post doesn't get reduced distribution and users trying to share don't get prompted with our reporting. Our fact check would appear in 'related articles' below the post, with the message "CONTEXT: The number of homeless people in Britain is broadly comparable to the population of Iceland". We discuss the need for a rating that reflects such situations more in the recommendations.

We used the opinion rating in another piece, which looked at [whether the NHS is "free for all 500 million EU citizens"](#)  because, as we wrote, whether the claim is correct or not comes down to whether you interpret "free for all" as meaning in certain circumstances or in all circumstances.

We used opinion again for a piece where the rating came down to [whether or not votes for Labour in the 2019 EU elections could be interpreted as votes to Leave the EU](#) .

The burden of proof being on the claimant

We fact checked [an image claiming a woman in Sweden had been attacked by a Muslim migrant](#) , which we rated as false. While an attack did take place, we established – after speaking with journalists in Sweden – that the identity of the attacker remains unknown, and there was no evidence that he was a Muslim or a migrant.

The Facebook guidelines suggest rating unproven claims as "mixture", and we are naturally wary about describing a claim as "false" when we do not have positive evidence of its falsity. But in this case, especially given the harm that can result from this type of misinformation, we decided that the burden of proof should be on the claimant. In effect, in stating the identity of the attacker with certainty despite there being no evidence behind that part of the claim, the claim is falsely asserting knowledge where no such knowledge exists: in the end we decided on a "false" rating.

Our view of the Third Party Fact Checking programme

This section represents Full Fact's view of the Third Party Fact Checking programme. We do not speak for Facebook, who may take a different view, or for any other fact checker participating in the programme.

In brief –

- The Third Party Fact Checking programme includes some work of clear social value that can at its best help to save lives, if it can achieve the necessary scale.
- A lot of the work has at least clear value to Facebook in creating better environments for its users.
- The Third Party Fact Checking programme may play an important role in generating the data to make new technologies for reducing harms from inaccurate information possible, but at the moment we know too little about plans for using that data. We call below for Facebook to make more data available to fact checking partners.

Full Fact recognises that there are multiple different ways in which fact checking can be beneficial. It may be that it reduces the immediate spread of false information (as seems to be the primary goal of this programme). But it could also – for example – reduce people's belief in false information that has already spread, it may improve broader understanding of issues, it may reduce the likelihood of similar misinformation circulating in the future, it can reduce long term incentives for actors to spread misinformation (the “they know we check” effect), and it should perform an educational role in giving people a toolkit to make assessments of information themselves.

We feel that all these modes of action should be considered when assessing the possible impact of the programme.

Full Fact sees an important distinction between intervention on specific topics where there is clear harm associated with inaccurate information (such as elections, health, and during emergencies) and what could be described as a wider ‘spam filtering’ function covering inaccurate content more generally. Both of these are valuable but the task and benefits are different in each case.

Tackling specific harms

We believe that the Third Party Fact Checking programme can be valuable in helping to tackle specific harms from inaccurate information.

We have already seen cases in the first six months of our work in the programme where we have helped to address posts circulating that represent potential risks to life, or to people's health and wellbeing.

As we have said before, we also believe there is a clear, specific and valuable role for the programme in responding to emergency situations, and in tackling attempted election interference.

Some of the content most clearly addressing specific harms includes –

- A claim wrongly suggesting that, if you cannot speak on a 999 call, pressing 55 will allow the police to track your location (a misunderstanding of the “silent solutions” scheme to help police distinguish genuine emergency calls from accidental dialling.)
- A claim promoting the idea of “Cough CPR” – that if you are suffering a heart attack, you should cough repeatedly in order to keep your heart beating (medical authorities do not recommend this).
- A claim saying that if you are stabbed, you should “whack” a tampon into the stab wound, as this will stop the bleeding (first aid experts we spoke to said that it likely would not be effective at this, and could lead to further problems).
- A claim saying that taking a pregnancy test could be used to “check for testicular cancer if you are unsure of lumps and bumps”. Cancer Research UK told us they definitely wouldn't recommend relying on a pregnancy test to self-diagnose testicular cancer, as it wouldn't come up positive in all cases of the disease.
- A claim saying that type 1 diabetes is listed as a side effect of the MMR vaccine. It's listed as an adverse reaction of the vaccine used in the US (which isn't the same as a side effect, it can refer to conditions developed by chance after someone was vaccinated but not caused by the vaccine).
- A comprehensive guide to some of the main claims made about the ingredients in vaccines, the countries they may or not be banned in, whether they are harmful and in what amounts.

However, we have two important points for further work.

The first is an operational point, that we suspect that there must be more of this kind of content than we are currently seeing or able to fact check under the Third Party Fact Checking programme. We hope that we can work with Facebook to identify and prioritise more of this kind of valuable work under the programme. Recommendation 1 reflects this.

The second is a longer-term strategic point, that we need to develop a plan for taking this kind of work to internet scale. We are keen to work with Facebook and others to achieve this while maintaining high standards of accuracy, balance, and accountability for the public benefit.

‘Spam filtering’

There is another category of content which we regularly see as part of the Third Party Fact Checking programme, which is content which may be inaccurate or misleading but where the stakes are not so high as to risk life. It may be a nuisance or simply content that reduces the quality of experience on Facebook. It may even be inaccurate content which is harmless, and obvious, and which people enjoy.

We would not prioritise fact checking this kind of content within Full Fact’s fact checking, but we recognise that it has value in creating better environments for internet users, particularly as Facebook and others seek machine learning approaches to tackling content quality questions at scale. Our operating guidelines discuss how we will approach these fact checks but in brief while of course we will publish them to be transparent we will not normally promote them through Full Fact’s own channels.

The role of technology

Full Fact has pioneered the use of technology and AI to make fact checking more effective. Our work on automated fact checking has been described as “seminal” and our tools have been used on three continents, and with our partners AfricaCheck, Chequeado, and the Open Data Institute, Full Fact won the Google AI Impact Challenge for our work in this area to use AI for social good.

We understand the need for Facebook (and other internet companies) to be able to make decisions about how all content is displayed within their products. One of the factors influencing these choices needs to be the likelihood of spreading inaccurate information, whether that

information is harmful or simply in this context a nuisance.

Understandably, internet companies are looking for technologies that can identify inaccurate information at internet scale. Facebook has publicly suggested that “we’re going to shift increasingly to a method where more of this content is flagged up front by A.I. tools that we develop”, as Mark Zuckerberg said before the US Congress. Other internet companies are certainly working in the same area.

These systems do not yet exist in any general sense. Creating these technologies involves solving some very hard problems, including ethical as well as technological problems. And attempts to do so need to be carefully scrutinised, which is one role Full Fact plays in this area.

The Third Party Fact Checking programme may play an important role in generating the data to make these new technologies possible, but at the moment we know too little about plans for using it.


We believe that AI can be useful in identifying content and patterns of inaccurate content that may lead to specific harms. The queue Facebook provides to fact checkers under the Third Party Fact Checking programme is an early example of this. Effective and ethical technology could in time help to make human efforts to tackle specific harmful inaccurate information more effective by identifying and classifying it at scale.

However, machine learning depends on the data it learns from and we doubt that the existing ratings system is likely to produce a high quality outcome from machine learning. The categories are too broad for us to be confident that they have specific statistical qualities that distinguish them. Computers do not understand language or images and it is not obvious that what makes one post on a subject true and another on the same subject false is something a computer can pick up from the data the programme is generating.

It is possible that Facebook has information that we are not aware of that makes it confident that it can generate effective machine learning approaches without serious negative side effects. For example, they might be using data about the actors behind particular posts or groups of posts as well as data on the content of the post itself.

We would welcome a clearer statement from Facebook of the potential avenues they see for developing machine learning tools based on the Third Party Fact Checking data. We believe that our domain expertise could help make those efforts more effective and help to avoid

negative side effects or unintended consequences. We recognise that this discussion might have to be private because revealing details of plans to develop technology to prevent abuse can help people bypass those safeguards. However, at the moment no such discussion has taken place in public or in private.

Full Fact is glad to be part of a group of platforms, academics and practitioners organising **a conference called Truth and Trust Online**  in October, working with all parties working on automated approaches to augment manual efforts on improving the truthfulness and trustworthiness of online communications. The organising committee includes representatives from Full Fact, Amazon, Facebook, Google, Microsoft, and Twitter, as well as from academia and elsewhere. The call for papers is now open.

Recommendations for Facebook and others

Improving the information and tools available to fact checkers

In deciding which posts to fact check, we have access to Facebook’s “queue”. This provides a list of posts which have been flagged by users or Facebook’s algorithm as potentially inaccurate. It indicates when a post was first shared, when it was flagged to the queue, and how many shares it has received. All these factors feed in to what we decide to fact check.

We have made recommendations for how the queue could develop to improve decision-making processes for fact checkers. In addition, we have one recommendation for how to increase the reach of fact checks we publish.

On a practical note, we have had some issues with posts we’ve ‘bookmarked’ on the queue, then fact checked, later disappearing so we cannot attach our fact checks to them. This has happened in three cases.

Recommendation 1: Continue developing tools that can better identify potentially harmful false content including repeated posts

We suspect that there must be more potentially harmful false content than we are currently seeing or able to fact check under the Third Party Fact Checking programme. We hope that we can work with Facebook to identify and prioritise more particularly harmful content, such as that relating to public health, under the programme.

Once we submit a rating for a piece of content in the queue, there is an option to allow Facebook to automatically apply that rating to other, identical, posts (for example, identical images). This is valuable, but limited by the tendency of content to subtly change as it goes viral. The viral process often sees the same text or image shared in varying ways - where the language and layout of a post is similar to the original, but not identical. In its most literal sense, this includes people sharing different screenshots of a post on one social media site onto other sites.

Take this post about [the Lisbon Treaty](#). We received an unprecedented number of reader requests to check this claim, which appeared all over Facebook (and other social media) but often with slight variations in wording or layout. We rated two [posts](#) (one of which has since been deleted) with around 2,000 shares between them, yet we know that there are many other versions on Facebook, [some with far more shares](#). But the process of identifying these manually is time consuming and imperfect.

This is a repeated pattern we see with online misinformation (we observed the same thing in posts about [Shamima Begum](#), [999 calls](#) and [harmful dog treats](#)).

Although there is no quick fix in identifying similar but not quite identical content, we suggest that Facebook continue to make developing the tools to do this a priority. We were pleased to see that in the second quarter of the year Facebook did introduce a feature that suggests possibly related content for posts that have already had fact checks applied to them. While its effectiveness is currently limited (we will assess it more fully in our next report) it is a positive step.

We hope it will improve, and that Facebook will continue to develop more tools to enable fact checkers to search for and surface similar content. In addition to discovering content related to that which they have already fact checked, it would be valuable to have tools to better search for prior examples of identical or similar content during the research phase (knowing where and when a claim originated is often important context for fully understanding it, and may in fact change our conclusion – for example in the case of claims that are now outdated but may have been accurate when they first started).

Without such tools, the Third Party Fact Checking programme risks only addressing the tip of the iceberg. The reach of our content could grow rapidly with effective tools in place for better identifying similar posts.

Recommendation 2: Provide more data on shares over time for flagged content

We recently checked a post claiming that a bath product was harmful for pregnant women. It had [an exceptionally high number of shares \(over 100,000\)](#), which was a primary reason for checking it. But it was also around a year old which means it may have no longer been getting very much reach online. Often things go viral in waves, or simply stop circulating after a while; so it would be highly valuable to have data on not just the number of shares, but when those shares

happened. We were pleased that in the second quarter of the year, Facebook rolled out changes based on user feedback that do provide some more insight into this (showing how many shares the post has received in the past day, in addition to total shares), which is a very welcome and positive step.

However, both for fully understanding the context of a post's history and how rapidly it is currently spreading (and thus being able to prioritise what to check better), and for being able to assess the impact that our fact checks have on a post's virality, we would need fuller data on how the post accrued shares over time, provided in a usable – and ideally downloadable – format.

Developing the Third Party Fact Checking programme ratings system

For a number of the posts we fact checked, we found the existing rating system to be ill-suited. Below are four ratings we recommend adding, with case studies to explain why they are necessary. Three of them are related to a central observation about the inadequacy of the 'Mixture' rating; the fourth to the fact that the 'Satire' rating is the only way of labelling much humorous content.

The 'Mixture' rating is not fit for purpose (encompasses recommendations 3-5)


The 'Mixture' rating – which Facebook suggests should also be used to cover cases that could be described as 'unproven' – is insufficient for all the purposes it is being used for. As the only rating that currently sits between the poles of unambiguously 'True' or 'False', it could potentially be applied to a majority of the posts we check, but fails to accurately describe many of these situations. We also feel it can be over-punitive, as we understand that content rated as 'Mixture' will have its distribution significantly reduced.

Recommendation 3: Add a 'Mixture' rating which does not reduce the reach of content

Facebook defines the "mixture" rating as "a mix of accurate and inaccurate, or the primary claim is misleading or incorrect". In some cases the overall message of a post is broadly correct, but some of the finer details are not, to the extent that we would not feel comfortable as a fact checking organisation endorsing it as "true". This means it should technically be categorised as mixture, but the reduction in

circulation of a post that comes with this rating seems excessive given that much in the post is correct.

Given that there are certain circumstances in which “mixture” is the only reasonable rating to apply, but that it would not seem appropriate for the post to have its distribution reduced as a result, we recommend that Facebook introduce a rating akin to “mixture”, but which doesn’t reduce the reach of that content.

Case study: The post (since deleted) that said “There are more UK citizens homeless than the entire population of Iceland.” As noted before, we felt that **because it’s not possible to state definitively that the claim is true we could not rate it as such** , but as we felt it was a case where it was possible to have different reasonable interpretations of the same evidence, and the best evidence suggested that the numbers were in the same ballpark, rating it as mixture or false also seemed wrong.

Recommendation 4: Add an ‘Unsubstantiated’ rating

In some cases, we cannot definitively say something is false, but equally can find no evidence that it is correct. Facebook suggests that the “mixture” rating can be applied to “unproven” claims, but this is an insufficient response in cases where there is absolutely no substance to a claim (as opposed to cases where the evidence is genuinely mixed or unclear). A rating of “mixture” gives such baseless claims more credibility than they deserve by implying that there is some degree of truth in them.

In such cases the burden of proof should rest with those making the claim. This is particularly the case in situations when evidence should be findable if the claim were true. In these situations, if there is no evidence for the claim, it should effectively be considered as being close to, or even equivalent to, false.

To this end, the definition of “false” could possibly be expanded to include un evidenced assertions (even when they cannot be definitively disproved), although retroactively changing definitions may be a problem for consistency. But we believe a better option is to introduce a new “unsubstantiated” category, which Facebook can treat as a signal akin to a “false” rating. The additional merit of a separate “unsubstantiated” category is that it would allow users to better distinguish between content that has been debunked as false, and content for which there is simply no evidence. This rating seems particularly relevant in cases of terror attacks or other emergencies, where a lot of unsubstantiated rumours quickly start circulating online.

Case study: The post claiming that a Swedish woman was attacked in a nightclub by a Muslim migrant. Despite the guidelines suggesting an unproven claim should be rated as “mixture”, we rated it as “false” due to **the complete lack of evidence for the claim that he was a Muslim or a migrant** [🔗](#), and a consideration of the harm that can result from this type of misinformation.

Recommendation 5: Add a ‘More context needed’ rating

In some cases we cannot definitively rate something as true, false, or even mixture, but we could still add more context to help a reader. This would make them more informed before they choose whether or not to share the piece. There is currently no category for this purpose.

The highly specialist – as well as occasionally ambiguous or provisional – nature of much medical evidence is one reason why we are recommending to Facebook that a “context needed” rating might be necessary. For example, we often see posts that discuss the listed side effects of various medicines, in a way that implies they are inherently dangerous. These may be technically accurate, but potentially misleading without the context of relative risks and regulatory processes.

Case study: This post lists **potential side effects of one brand of contraceptive pill** [🔗](#). Most of them are accurate, in the sense that they are listed as potential side effects, but it could well be interpreted in ways that overstate the risk. We rated it as “true”, as we did not feel it was inaccurate enough to justify even a “mixture” rating; however, we believe that a “more context” rating would have been more appropriate.

Case study: This post **claims to have calculated the total size of the People’s Vote March in London** [🔗](#). The **assessment of the expert we spoke with** [🔗](#) was that the total number is likely to be higher than their estimate, but we cannot say this definitively. Due to the lack of appropriate rating, we did not rate it on Facebook, even though we could add valuable context for a reader.



Recommendation 6: Add a rating for humorous posts other than satire or pranks

Facebook’s definition of satire is “a page or domain that is a known satire publication, or a reasonable person would understand the content to be irony or humour with a social message”. But a lot of the time Facebook posts are quite simply jokes, or more generally just messing about, intending to be funny without any social message.

These can then get picked up by people who miss the point of the joke, or encounter it out of context, and share it believing it to be real. It would be helpful for Facebook users to be able to distinguish these kind of jokes—which don’t have a satirical message but get misconstrued online as real—from actual satire.

Facebook also has a rating of “prank generator” for websites that allow users to create their own humorous fake news stories, which likewise is a specific instance of the more general category of “jokes”. (We have not seen any examples of these in the queue to date.)


Given that satire is important in a democracy, we can see the value in having a specific rating for it – both to enable Facebook to better identify it and protect it from being treated as false news, and to give better information to Facebook users who may have taken it as real. But that means there should also be a rating for the broader category of non-serious, lighthearted or humorous posts that people might misunderstand. Like the “satire” rating, this should not reduce the reach of the post. It is not our job to judge the quality of people’s senses of humour.

Case study: this [viral video of a man dressed up as a police officer and appearing to snort drugs](#) . The video was originally posted as a joke, but [many people sharing it thought it was real](#) . We rated it as ‘satire’, but that seems like quite a stretch.

Resolving editorial questions around the programme

Recommendation 7: Develop clearer guidance on how to differentiate between several claims within a single post

The current ratings system offers little guidance on how to prioritise a single/the most important claim within a post. In some cases, there is a risk that a post which contains a complete falsehood—with the potential to cause harm—could end up being rated “mixture” on the grounds that it got some less important details correct. We strongly feel that it is advisable to focus on the most prominent/harmful claim in such cases, and clearer guidance on how to differentiate between several claims within a single post would be welcome.

Case study: This same post claiming to show a Swedish woman who was “savagely beaten by a Muslim migrant” after asking him to stop groping her. The post is correct in as much as [it does show a Swedish woman who was beaten up in a nightclub after stopping a man from groping her](#)  - but we don’t know if he was a Muslim or a migrant. In

rating it false (for reasons outlined above), we decided to focus on the claim about the attacker being a Muslim migrant, as this was clearly the most notable claim and the main reason for its online circulation. However, we could have rated it “mixture” on the grounds that much of the information about the woman and the attack was correct.

One possible approach in the future might be to enable fact checkers to apply multiple ratings to content, so that individual claims can be better separated out. Currently the rating can only be applied to the content as a whole (be it a link, a text post or an image).

Making it easier to evaluate our work on the programme

Recommendation 8: Share more data with fact checkers about the reach of our fact checks

Currently, the only sense we have of how many people our fact checks are reaching comes from data on visits to our own website. But the Third Party Fact Checking programme brings with it a number of new ways in which people can read our content. In addition to the traditional ways we reach people—on our site, via our social media feeds, and via search engines—Facebook users may also see our fact checks if they engage with a post we have rated, and may for example get a notification linking to our fact check before they try and share something we have rated as misleading or false.

It would be helpful to understand how effective the additional ways that Third Party Fact Checking programme fact checks reach Facebook users are. Does the notification stop many people from sharing? What percentage of people who view a post we have rated click on our fact check beneath it? Are there cases in which our content gets many more interactions from Facebook users, and what does this tell us about how to effectively get the attention of Facebook users in future?

Other fact checkers, speaking to the BBC, have said **they want more data about the reach of their work** [🔗](#), so they can assess its value.

Expanding and developing the programme

Recommendation 9: The Third Party Fact Checking programme should expand to Instagram

We believe the Third Party Fact Checking programme should be expanded to other platforms: most immediately, Instagram (which


is owned by Facebook). The potential to prevent harm is high here, particularly with the widespread existence of health misinformation on the platform. Facebook have already taken some steps towards using the results of the programme to influence content on Instagram, or Instagram images that are shared to Facebook. However, directly checking content on Instagram is not yet a part of the programme.

Recommendation 10: be explicit about plans for machine learning

We would welcome a clearer statement from Facebook of the potential avenues they see for developing machine learning tools based on the Third Party Fact Checking data. We believe that our domain expertise could help make those efforts more effective and help to avoid negative side effects or unintended consequences. We recognise that this discussion might have to be private because revealing details of plans to develop technology to prevent abuse can help people bypass those safeguards. However, at the moment no such discussion has taken place in public or in private.

Recommendations for government

Recommendation 11: The government should review responsibilities for providing authoritative public information on topics where harm may result from inaccurate information and fill gaps

As we argued in our paper “[Tackling Misinformation in the Open Society](#) ”, we believe that public bodies should be given a clear mandate to inform the public, in order to build resilience against misinformation.

In our work on the Third Party Fact Checking programme already, we have seen multiple examples of a related issue: major areas of public interest in which no body has primary responsibility for providing accurate and useful information.

One obvious area is matters of public health. In one example, our attempts to fact check a claim about the safety of a bathroom product for pregnant women saw us bounced repeatedly between the press offices of 13 different public bodies, all of whom believed that providing such information was somebody else’s job. Similarly, we’ve had inquiries regarding the introduction of 5G technology in the UK, and there’s a distinct lack of official guidance properly addressing some public concerns. In a recent debate, an MP expressed dismay at

Public Health England’s “standard reply” to questions about 5G.

We have seen this in multiple cases relating to health issues.

Another area is law, in which there is no public body with a clear duty to provide information on the functioning of the legal system.

The lack of such authoritative sources has practical consequences: notably, it dramatically slows down the speed with which organisations such as ours can respond to misinformation (some of these fact checks can end up taking weeks). It also means that the final product may be less authoritative and useful to the reader.

Most importantly, the absence of reliable and trustworthy information can create a vacuum in which misinformation is better able to spread.


Establishing bodies with clear duties for providing impartial information in areas of public concern would have clear benefits. This kind of public service could potentially be provided by a wider range of public service institutions depending on the topic. It could be government itself (for example, when it comes to the law this could **build on the work on public legal education** [↗](#) already overseen and supported by the Solicitor General); trusted and independent public bodies such as the NHS (their **Behind the Headlines** [↗](#) service is a good example); or academic initiatives with a specific communications role and resources (where successful models include the **Institute for Fiscal Studies** [↗](#), the **Migration Observatory** [↗](#) at Oxford University, and **the UK in a Changing Europe** [↗](#) initiative).

Future work for Full Fact

Our priorities are to increase our output under the Third Party Fact Checking programme and to further develop our links with relevant expert organisations to ensure that our work on the programme has the greatest possible public benefit.

As mentioned in ‘Our view of the Third Party Fact Checking programme’, we are keen to work with Facebook and others to find ways to help increase this work to internet scale.

One relevant question – as discussed briefly in the recommendations – is why any of Facebook’s programmes, including the Third Party Fact Checking programme, should be restricted to Facebook alone? It is clear to us that this work could have value on other platforms, including (but not limited to) other platforms owned by Facebook.

Facebook have already said that they are **testing using ratings applied to images**  under the Third Party Fact Checking programme to influence the discoverability of identical images on Instagram. In March, Facebook announced that content from other media sites (ie Twitter, YouTube) is now eligible to be checked as part of the Third Party Fact Checking programme. That means we can check tweets, Youtube videos, Instagram posts, etc, but our supporting articles will only appear (or impact a post’s distribution) if links to these are shared on Facebook.

However, as we’ve said, the ability to directly check content on Instagram directly is not yet a part of the programme.

Facebook have also recently said that vaccine misinformation will no longer appear on Instagram Explore or Hashtag pages. This may prevent users inadvertently coming across antivax content initially, but will do little to help those already in the community.

We do not see why the Third Party Fact Checking programme cannot be fully expanded to Instagram. The potential to prevent harm is high here, and there are known risks of health misinformation on the platform.

We have noted Facebook’s public discussion of increasing the role of crowdsourcing in understanding information quality on its platform. We will be studying their ideas carefully and engaging with Facebook in those discussions.

Finally, we will continue to work on technology to tackle harmful inaccurate information for the public benefit, and to scrutinise work in this field.

Appendix: Full Fact's Operating Guidelines for the Third Party Fact Checking programme

These operating guidelines are an evolving document; we may change them over time as we learn more about how the Third Party Fact Checking programme works, and as we encounter difficult or edge cases that challenge our thinking. We will discuss these changes in future quarterly reports.

In all cases, when we encounter a situation that the guidelines do not cover, staff should consult the Editor (or in the Editor's absence, the Chief Executive). The Editor may consult the Chief Executive at any time, and the Chief Executive is ultimately responsible for upholding Full Fact's standards.

Any changes to these guidelines will follow discussions between the Editor, the editorial team, and the Chief Executive. They must ultimately be agreed by the Editor and the Chief Executive.

Background: general operating guidelines

We have a set of standards for our pre-existing fact checking work, and most of these have translated across to our work as part of the Facebook Third Party Fact Checking programme. They underpin these operating guidelines, which should be read in that context.

As with all charities, Full Fact is legally required to work for the public benefit and to be politically non-partisan. Our legally-binding charitable objectives go a step further than this, requiring us to work “in an impartial, objective, balanced and independent manner observing strict political neutrality”. These principles apply equally to our work on the Third Party Fact Checking programme. We monitor our work to ensure that both our processes and our output meet these criteria; that includes our selection of which claims to fact check.

The Third Party Fact Checking programme is also governed by systems and guidance set down by Facebook, for example the choice of ratings that Facebook provides. We must operate within these and we will publish quarterly reports on our experience of the programme and how it might continue to develop.

What we check, and why

In addition to our balance and impartiality requirements, when selecting claims to check normally we have a rule of thumb—that what we check should be some combination of important, influential and interesting.

- “Important” here means that the issue has real-world impact — something that can affect people’s lives and choices.
- “Influential” means that the claim is likely to reach and affect a large number of people, and potentially influence their beliefs (which could include, for example, if it was said by a public figure, if it appeared in the national media, or if it was widely shared online).
- “Interesting” means just that: that the question of whether the claim is accurate should be something that will engage an audience, or illuminate a broader issue. (For example, we generally avoid checking statements that are trivially true.) One possible guide for this is the volume of requests from our readers to fact check a particular claim, but we must take care to maintain our independence when considering any external requests.


Not everything we check will necessarily hit all three of these, but (in our work outside the Third Party Fact Checking programme) if a claim doesn’t register on any of them then we would not normally check it.

What Full Fact prioritises

These rules of thumb inform our prioritisation of work in the Third Party Fact Checking programme. Analogously with the “important” measure, we prioritise false or misleading **claims that have the potential to cause harm if they are believed** (such as health misinformation).


The “influential” measure translates into the number of shares a post has received, and also factors such as whether influential pages have shared it, and whether there are multiple versions — we will prioritise **claims that have spread widely**.

The “interesting” measure has slightly less weight here as an independent factor, due to the fact that we also consider the number of shares a claim has as being reflective of the level of interest in the topic, and the presence of the claim in the dashboard queue suggests that some users may have flagged it as suspicious (which for these purposes we treat as equivalent to a reader request). In effect, the expectation that a claim be both interesting and influential are somewhat merged in the online context.

However, there is another context in which the “interesting” measure may influence our prioritisation: we may choose to check some relatively trivial claims if we think that they have value as an engaging way to educate people on techniques for spotting false information online (for example, [a claim about a horse that allowed us to point readers towards our guide on how to spot misleading images online](#) )

Fact checking other content from the queue

The existence of content in the queue is sufficient evidence that it is useful to Facebook to have that content fact checked, even if Full Fact might not have fact checked it outside the Third Party Fact Checking programme, and is sufficient to justify fact checking and rating that content.

All fact checks under the Third Party Fact Checking programme must be published on [the dedicated page for these fact checks](#) . However, the extent to which fact checks of this kind are promoted elsewhere on Full Fact’s own channels should be determined by our own views of what is interesting and useful to our audiences.

Political actors

According to Facebook’s guidance, the Third Party Fact Checking programme is not intended to be applied to “a website or Page with the primary purpose of expressing the opinion or agenda of a political figure”. We do not include in the Third Party Fact Checking programme fact checks of claims made on Facebook by politicians, political parties, or non-party national political groups (we may, of course fact check these as part of our general fact checking work). Political opinions are also not subject to fact checking, as is the case with our general work.

Beyond these exclusions, however, there are a range of political actors on Facebook (such as activists, local party accounts or interest groupings) whose posts we should treat sensitively, with a mind to protecting freedom of speech. We do not believe that simply being involved in politics should make you exempt from fact checking or the Third Party Fact Checking programme, nor that simply appending a political opinion to a central factual claim should exclude it from consideration. If a claim originates from a political source but is primarily a factual claim that can be checked, we may do so. We should however be cautious when applying ratings that may reduce the distribution of a post in a situation where the factual claims are not

plainly false (see below for further discussion of how we apply ratings). If in doubt, this should be checked with the Editor before publication.

In addition, inaccurate claims originally made by politicians but that are being shared by third parties (for example, screenshots of a tweet from a politician) are eligible to be fact checked through Third Party Fact Checking. This reflects our principle that we check the claim not the person.

Humour

Much false information online originates from attempts at humour. We don't believe it's our job to judge how funny someone's joke is. We should only prioritise humorous posts in a situation where there is compelling evidence (e.g. from comments or shares) that a significant number of people have mistakenly taken it seriously, and also when doing so would satisfy our other standards for selecting it to check (such as potential harm, or educational potential). Other fact checks of humorous posts for the Third Party Fact Checking programme should not normally be promoted through Full Fact's own channels.

How we check

We check claims, not people

The core of what we check is individual, identifiable factual claims; it is not the people who make them, or the broader positions or opinions they may be advocating. Our conclusions about claims should not normally comment on the motives, intent or character of the person or institution that made the claim. When analysing the spread of specific unsubstantiated claims it may sometimes be appropriate to comment on the actors involved, and it may be necessary to discuss the broader positions they advocate in order to properly contextualise how a claim is likely to have been understood by its audience. If in doubt this should always be checked by the Editor before publication.

We present evidence to allow our readers to reach their own conclusions

We present our own conclusions on the accuracy or otherwise of factual claims, but we always back this up by providing the evidence we have based our conclusions on to the reader (in the form of links to primary or secondary sources). We should always seek out the most authoritative source for any factual statement we make. We should provide sufficient evidence for Full Fact's readers to make up their own

minds and reach their own conclusions from our work. Where there is insufficient quality evidence to reach a firm conclusion, we should tell the reader that.

If we must use evidence that is—for whatever reason—not publicly available, we should say so clearly and explain why; this should be checked with the Editor before publication.

Our work means that we frequently have to make judgements about the reliability of sources in a manner that reflects our commitment to impartiality. In many cases it will be useful to explain those judgements clearly to the reader.


Standards of evidence will, by the nature of things, vary depending on the nature of the claim. For some types of claim (for example those of a statistical nature) there may be independently quality-assessed sources such as national statistics; in other cases (such as claims about historical events) evidence may be harder to come by; particularly in matters around health claims, evidence may be partial or tentative. We should always be cautious, question our sources, and avoid over-interpreting evidence. However, we should not let over-fussy philosophical rigour deter us from reaching clear, useful conclusions: absence of evidence may not technically be evidence of absence, but in many cases it may be close enough for our purposes.

In all cases, we believe that it is the responsibility of the person or institution making the claim to provide the evidence to support it. If they cannot do so and we can find no evidence to support their claim then we should say so.

Health

Misleading health information has clear potential to cause severe harm. The nature of medical evidence is such that it is often impossible to state definitively that something is unambiguously true or untrue. Despite this, we should still aim to give clear advice to our readers and to present conclusions that reflect the best possible current knowledge. This includes assigning ratings such as “True” or “False” when the weight of evidence supports that interpretation. If multiple expert bodies with competency in a particular medical field tell us the same thing, then we should be comfortable passing that on to our readers. However, if there is more than one responsible body of professional opinion, our fact checks should reflect that in a balanced and proportionate way.

How we assign ratings

In our general fact checking, Full Fact is relatively unusual among fact checking organisations in that we do not use any kind of rating system in our published fact checks, as we tend to believe that they can often obscure more than they illuminate, and can be hard to apply in a consistent manner. However for the Third Party Fact Checking programme **we are required to apply one of the following ratings** ; what follows is our current thinking on how these should be applied. In all cases, if there is a question about the rating being applied, it should be discussed with the Editor before publication.

True

We have only checked a small number of true claims, as our prioritisation of potentially misleading claims that could cause harm means that they are not our top priority. We would apply this in situations where we are confident the central claim or claims are unambiguously correct, or are close enough to being accurate that a reasonable person would not feel it necessary to correct them. (For example, minor imprecision on figures, or information that might be slightly out of date but is still substantially true.)

Mixture

This is a complex rating: it applies to posts that contain both true and false claims, and also claims that some fact checkers may rate as “unproven”. As a blend of truth, untruth and uncertainty, you could make a case that a large proportion of all human communication falls into this category; we try to use it more sparingly than that, although it still accounts for a substantial portion of our ratings. We will usually apply it if a post includes multiple claims of equal prominence, some of which are accurate and some of which are inaccurate; we may apply it if the claims have insufficient evidence to support them, or if they are presented in a significantly misleading way. If a post includes multiple claims of varying accuracy, but there is an identifiable central claim of greater prominence than the others, then we may choose not to apply the mixture rating.

False

We apply the false rating in situations where we are confident the central claim or claims are categorically false or highly misleading. We may apply it in situations where we are confident there is no evidence to support the claim; while on a strict interpretation it's not possible definitively to say that such a claim is false, a false rating

may sometimes be justified if the claim is asserting knowledge where no such knowledge is possible or where there is no reasonable basis for the claim.

This is particularly true in the case of claims that relate to, for example, specific events or historical information.

Satire

We have used this rating for both articles that are clearly intended to be satirical, but which have been misunderstood by readers, as well as more broadly for humorous content (see above for a discussion of why). Applying this rating does not affect the distribution of a post, which is why we use it in this broad manner — we don't think the distribution of a post should be affected simply because some people missed the joke.

We appreciate that “satire” is not a good descriptor of this broad a category of posts, and as such (see above) one of our recommendations to Facebook is that they introduce a new rating to cover humour more broadly.

Opinion

This rating is obviously intended to encompass (for example) political opinion, such as newspaper columns. We have also used it in a different sense, as an alternative to the “Mixture” rating in cases where the truth of a claim is ambiguous or has insufficient evidence (such that we could not rate it “True”), but where we nonetheless feel that it was based on a defensible set of assumptions and thus should not have its distribution affected. In other words, we may use ‘Opinion’ where it is possible to have different reasonable interpretations of the same evidence and the claim we are fact checking is clearly one of those interpretations.

Ratings we have not yet used

False Headline, Not eligible, Prank generator, and Not rated. We will update these guidelines as and when we use them.

Major Incident procedure

One of the areas where we believe the Third Party Fact Checking programme can play a useful role is in responding quickly to emergency situations where rumours and inaccurate information may be spreading online, for example after terrorist attacks or during natural disasters. In these situations the risk of harm from misleading information can be very high.

Major incident goal

To act quickly to reduce harm.

The focus on harm is critical: misunderstandings and inaccurate early reports are a constant feature of breaking news situations. We will not seek to resolve every misunderstanding or example of inaccurate information, but instead to prioritise what could be harmful.

Examples of potentially harmful content might include –

- Inaccurate health or safety advice
- False information about who has been affected
- False claims about what official sources have said

Triggering a major incident

Major incidents will often appear as breaking news and can be spotted by any member of staff (whether or not a fact checker) or flagged to us by Facebook or another outside source such as the emergency services. Major incidents may well occur outside working hours so a member of staff who believes they have spotted one should alert colleagues promptly through all internal channels.

Speed is essential and, if necessary, any member of the editorial team can declare a major incident. Usually to ensure coordination we would expect the decision to be made formally by the Editor, or the Chief Executive, or else the most senior member of the editorial team available.

When a major incident occurs we should –

- Tell all staff
- Ensure enough editorial staff (a minimum of two) are online for us to publish in line with our processes

- Tell Facebook through our main contact
- Consider notifying any relevant emergency service through their communication team

Active monitoring

During a major incident, Full Fact will not wait for potentially false or misleading information to appear in the Third Party Fact Checking programme queue.

We will actively monitor online sources and respond to what we believe is having an impact. The exact nature of monitoring will depend on the situation but is likely to include monitoring trending and fast-emerging posts.

Prioritising official sources of information

We recognise that during a major incident official bodies such as the emergency services will often be the most reliable sources of information.

Usually it is Full Fact's role to scrutinise, be sceptical of, and fact check the work of any public body.

During a major incident, we will use our judgement based on the context and nature of the incident, but will generally start with the presumption that official statements from the emergency services or other public bodies are the best source of reliable information that can minimise harm to the public. This approach would change if there was, for example, verifiable primary evidence that contradicted official claims.

Reviewing

In normal circumstances, Full Fact's work always involves two or three fact checkers: one (the reviewer) independently checking the work done by the first, with a third often performing a final check before publication.

During a major incident, we will adopt a triage approach. Some fact checks may need extra care, while others (such as flagging demonstrably fake images) may need to be published rapidly in line with the major incident goal to act quickly to reduce harm. We currently do not envisage a situation in which a single fact checker would publish without any extra review, but we would likely drop the third review and speed up the second review.

Action over explanation

During a major incident, it may not be possible to publish detailed fact checks at the speed necessary to reduce harm.

It is, however, important to maintain transparency. At minimum we will publish a single post with a list of actions taken and broad explanations such as ‘manipulated images’.

Liaising with others

Any actions taken by Full Fact must always be taken independently and within our charitable remit and operating guidelines.

During a major incident, Full Fact’s charitable goal of informed public discussion is shared by many other organisations, including the emergency services. We understand that situations can become operationally more difficult due to inaccurate information circulating.

We are therefore open to liaising with the emergency services or other relevant bodies to ensure that we can rapidly obtain reliable information from them, both about what is happening and about any specific concerns about harms from inaccurate information.

Actions taken by Full Fact based on this information will remain entirely Full Fact’s responsibility and independent decision.

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Published by Full Fact, July 2019

Registered Charity number 1158683

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